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JOURNAL OF THE SENATE

OF THE

SIXTH SESSION

OF THE

Legislative Assembly

BEGUN AND HELD

AT THE CAPITOL AT BISMARCK,

*January 3 to March 3, 1899 Inclusive.*

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# Journal of the Senate

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## SIXTH SESSION.

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### FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 3, 1899.

At the hour of 12 o'clock meridian, on Tuesday the 3d day of January, A. D. 1899, being the day and hour designated by law for the convening of the legislative assembly of the state of North Dakota, the members and members-elect of the senate for the sixth legislative assembly of the state of North Dakota assembled in the senate chamber of the capitol at Bismarck and were called to order by the lieutenant governor.

Prayer by Rev. Anderson, of Bismarck.

Roll call of holdover senators.

All present except Mr. Fuller, of Stutsman, as follows:

First District—Judson LaMoure.

Third District—K. P. Levang.

Fifth District—H. F. Arnold.

Eleventh District—L. B. Hanna.

Thirteenth District—R. McCarten.

Seventeenth District—Chas. Dunlap.

Nineteenth District—D. W. McCanna.

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Twenty-first District—H. M. Creel.

Twenty-third District—B. W. Fuller.

Twenty-fifth District—T. F. Marshall.

Twenty-seventh District—C. B. Little.

Twenty-ninth District—W. E. Mansfield.

Thirty-first District—A. C. McGillivray.

The following communication was received from the secretary of state:

Bismarck, N. D., Jan. 2, 1899.

Secretary of State Senate:

The following is a list of members of the state senate elected at the election held on the eighth day of November, 1898, as certified to the state department by the election canvassing boards of the various counties comprising the senatorial districts:

Second District—James Fuller.

Fourth District—J. L. Cashel.

Sixth District—M. F. Murphy.

Seventh District—D. W. Luke.

Eighth District—F. W. Ames.

Ninth District—J. E. Cronan.

Tenth District—T. Twichell.

Twelfth District—A. Slotten.

Fourteenth District—R. C. Sanborn.

Fifteenth District—A. B. Cox.

Sixteenth District—R. C. Cooper.

Eighteenth District—W. A. Laidlaw.

Twentieth District—O. I. Hegge.

Twenty-second District—E. F. Porter.

Twenty-fourth District—J. B. Sharpe.

Twenty-sixth District—Wesley Baker.

Twenty-eighth District—V. B. Noble.

Thirtieth District—J. A. McDougal

FRED FALLEY,  
Secretary of State.

Roll call of members-elect.

All members present.

The oath of office was administered to the senators-elect by Judge Winchester, of the sixth judicial district.

Mr. LaMoure nominated Senator A. C. McGillivray for secretary pro tem of the senate.

There being no other nomination, the roll being called those voting in the affirmative were:



Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, being absent.

Mr. Creel not voting.

Mr. McGillivray having received a majority of the votes cast was declared elected.

Mr. Hanna nominated J. O. Smith, of Cass, as secretary of the senate.

There being no other nomination the roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, being absent.

Mr. McGillivray not voting.

Mr. Smith having received a majority of the votes cast was declared elected.

The president administered the oath of office to J. O. Smith, secretary.

Mr. Porter nominated Mr. L. K. Estabrook as assistant secretary.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, being absent.

Mr. Estabrook having received a majority of the votes cast was declared elected.

Mr. Cox nominated M. G. Cushing, of Barnes county, as second assistant secretary.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal,

McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, being absent.

Mr. Creel not voting.

Mr. Cushing having received a majority of all the votes cast was declared elected.

Mr. Laidlaw nominated Mr. Allan Pinkerton, of Cavalier county, as sergeant-at-arms.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, La-Moure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, being absent and not voting.

Mr. Pinkerton having received a majority of all the votes cast was declared elected.

Mr. Sanborn nominated Mr. Patrick Pierce, of Ransom, as assistant sergeant-at-arms.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, being absent and not voting.

Mr. Pierce having received a majority of all votes cast was declared elected.

Mr. LaMoure nominated Mrs. Winchester, of Pembina county, journal clerk.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, La-Moure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mrs. Winchester having received a majority of all votes cast was declared elected.

Mr. McGillivray nominated Miss Grace Montague, of Stark county, as assistant journal clerk.



The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Miss Montague having received a majority of all votes cast was declared elected.

Mr. Slotten nominated Mr. Vivian Morgan, of Richland county, as bill clerk.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Messrs. Creel and Fuller, of Stutsman, absent and not voting.

Mr. Morgan receiving the majority of all votes cast was declared elected.

Mr. Cooper nominated Mr. T. G. Anderson, of Steele county, for enrolling and engrossing clerk.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mr. Anderson receiving a majority of all votes cast was declared elected.

Mr. Little nominated Mr. R. M. Tuttle as stenographer.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mr. Tuttle receiving the majority of all votes cast was declared elected.

Mr. Marshall nominated Mr. Richard Fallon, of Dickey, as messenger.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mr. Fallon receiving a majority of all votes cast was declared elected.

Mr. Luke nominated Mr. Robert Thompson, of Grand Forks county, as doorkeeper.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mr. Thompson having received a majority of all votes cast was declared elected.

Mr. Twichell nominated Mr. A. B. Mouke, of Cass, for postmaster.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mr. Mouke having received a majority of all votes cast was declared elected.

Mr. Murphy nominated Mr. Ole Hanson, of Grand Forks county, as watchman.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, Mc-



Carten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotton, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mr. Hanson having received a majority of all votes cast was declared elected.

Mr. Fuller nominated Mr. D. J. Laxdal, of Pembina, as clerk judiciary committee.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotton, Twichell.

Messrs. Dunlap and Fuller, of Stutsman absent and not voting.

Mr. Laxdal having received a majority of all votes cast was declared elected.

Mr. Little nominated Rev. Anderson, of Burleigh county, as chaplain.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotton, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Rev. Anderson having received a majority of all votes cast was declared elected.

Mr. Little nominated Mr. H. J. Kopperdahl, of Cass county, as proof reader.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, LaMoure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotton, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mr. Kopperdahl having received a majority of all votes cast was declared elected.

Mr. Mansfield nominated Mr. W. R. Jones, of Ward county, as doorkeeper of gallery.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, La-Moure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Mr. Jones having received a majority of all votes cast was declared elected.

Mr. McGillivray nominated Clarence McLean, Gordon Russell, Eddie Morris and Shed Lambert as pages.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, La-Moure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

They receiving a majority of all votes cast were declared elected.

Mr. Luke nominated Miss Ford, of Grand Forks, a stenographer for the senators.

The roll being called those voting in the affirmative were:

Messrs. Ames, Arnold, Baker, Cashel, Cooper, Cox, Cronan, Creel, Dunlap, Fuller, of Pembina, Hanna, Hegge, Laidlaw, La-Moure, Levang, Little, Luke, Mansfield, Marshall, McCanna, McCarten, McDougal, McGillivray, Murphy, Noble, Porter, Sanborn, Sharpe, Slotten, Twichell.

Mr. Fuller, of Stutsman, absent and not voting.

Miss Ford having received a majority of all votes cast was declared elected.

The oath was administered by the president to the following clerks and employes:

L. K. Estabrook, assistant secretary.

M. G. Cushing, assistant to assistant secretary.

Allan Pinkerton, sergeant-at-arms.

P. Pierce, assistant sergeant-at-arms.

Mrs. Winchester, journal clerk.

Miss Grace Montague, assistant journal clerk.

Mr. Vivian Morgan, bill clerk.

Mr. Anderson, enrolling and engrossing clerk.

Mr. R. M. Tuttle, stenographer.



Miss Ford, stenographer for the senate.

Mr. Fallon, messenger.

Mr. R. Thompson, doorkeeper.

Mr. A. D. Mouke, postmaster.

Mr. Ole Hanson, watchman.

D. J. Laxdal, clerk judiciary committee.

Rev. Anderson, chaplain.

H. A. Kopperdahl, proofreader.

W. R. Jones, doorkeeper gallery.

Mr. Little moved

That a committee of three be appointed to inform the governor that the senate was organized and ready for business.

Which motion prevailed and

The president appointed as such committee Messrs. Little, La-Moure and McCanna.

Mr. Arnold moved

That a committee of three be appointed to inform the house that the senate was organized and ready for business,

Which motion prevailed.

The president appointed as such committee Messrs. Arnold, Hanna and Cashel.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
Bismarck, North Dakota, Jan. 3, 1899.

Mr. President:

I have the honor to inform the senate of the sixth legislative session that the house has organized by the election of the following officers and is ready to receive any message the senate may desire to make:

Speaker, Thomas Baker, Jr.

Chief Clerk, J. G. Hamilton.

Assistant Chief Clerk, H. E. Lavayea.

Sergeant-at-Arms, D. B. Wellman.

Assistant Sergeant-at-Arms, John Sanderson.

Chief Enrolling and Engrossing Clerk, Wellington Irysh.

Bill Clerk, C. I. Hutchinson.

Messenger, O. A. Boynton.

Postmaster, Cassius Lisk.

Stenographer, Mary H. Stevens.

Chaplain, Rev. F. Clemens.

Watchman, Thos. Conroy.

Very respectfully,

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

That the old rules of the senate be in force till new rules shall have been reported and approved,

Which motion prevailed.

The president appointed as committee on rules

Messrs. LaMoure, Little, Twichell, McCarten, Arnold, Cashel and Noble.

Mr. Arnold moved

That nine enrolling and engrossing clerks be appointed by the president the names to be furnished by the secretary of the republican caucus,

Which motion prevailed.

The following clerks were sworn in by the president for the engrossing force:

C. C. Hammond, Mr. Jordan, James Stewart, Miss Bly, W. P. Wilson, C. L. Graber, Jennie Gorman.

Mr. Little moved

That a committee of two be appointed to secure rooms for the standing committees.

Which motion prevailed,

The president appointing Messrs. Little and Cooper as such committee.

The oath was administered by the president to the following pages:

Clarence McLean, Eddie Morris and Shed Lambert.

Mr. McGillivray moved

That the senate adjourn to meet tomorrow at 2 o'clock p. m.,

Which motion prevailed and the senate adjourned.

J. O. SMITH,

Secretary.



## SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
Jan. 4, 1899.

The senate met at 2 o'clock p. m., pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present.

The president appointed as a committee on revision of the journal Messrs. Arnold, Cooper and Hanna.

Mr. Creel introduced the following resolution, and moved its adoption:

Resolved, In the selection of seats the members of the senate be divided into two classes, namely, the holdover senators in one class and the new senators into a second class; that holdover senators have the privilege of retaining their old seats; that the remainder of the seats be chosen by lot, the holdover senators having the privilege of drawing first.

Mr. McGilvray moved

As a substitute, that the senators keep the seats they now occupy.

Which motion prevailed.

A committee from the house announced that the house was ready to receive the senate in joint session to hear the message of the outgoing and incoming governors.

Mr. Little moved

That the senate proceed to the house chamber to hear the messages of the governors.

Which motion prevailed.

The senate reassembled.

## MOTIONS AND RESOLUTIONS.

Mr. Baker introduced the following

## CONCURRENT RESOLUTION:

Resolved by the senate, the house concurring:

That, Whereas, The profession of arms has in all ages been regarded with favor and men of valor held in high esteem; and,

Whereas, We, as American people, realize that we owe our existence to military strength and achievement, not from choice but of necessity, and while we might boast that we have never taken up the sword but in the defense of humanity and right, and having left no shackles upon our citizens at home, we may feel proud, and justly so, of having been chosen as an instrument in the hands of an over-ruling power in striking the fetters that for ages have bound an alien people.

Therefore, We, the representative people of the state of North Dakota in legislative assembly convened, do declare it to be the sense of this body and its constituency that those of our citizens who went forth in the recent war manifested a high and grand patriotism in so nobly giving their services in a cause so just and righteous, and for which they are held in the highest regard and esteem by their fellow citizens, not only of this state but by the whole civilized world.

Mr. Baker moved

The adoption of the resolution,

Which motion prevailed.

## INTRODUCTION OF BILLS.

Mr. LaMoure introduced •

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

Also,

Senate bill No. 2,

A bill for an act to amend sections 5252 and 5254 of the Revised Codes of North Dakota relating to manner of commencing civil actions.

Also,

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.



Mr. Little introduced

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Mr. Hanna introduced

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

#### FIRST READING OF SENATE BILLS.

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

Senate bill No. 2,

A bill for an act to amend sections 5252 and 5254 of the Revised Codes of North Dakota relating to manner of commencing civil actions.

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

#### SECOND READING OF SENATE BILLS.

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

Was read the second time and

Referred to committee of the whole.

Senate bill No. 2,

A bill for an act to amend sections 5252 and 5254 of the Revised Codes of North Dakota relating to manner of commencing civil actions

Was read the second time and

Referred to the judiciary committee.

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter

Was read the second time and

Referred to the judiciary committee.

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Was read the second time and

Referred to committee on ways and means.

Mr. LaMoure moved

That the rules be suspended and that all senate bills be read the second time and referred,

Which motion prevailed.

Mr. LaMoure moved

That Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage

Be referred to the committee of the whole,

Which motion prevailed.

The president appointed the following committee on elections: Messrs. Arnold, Cooper, LaMoure, Porter, Sanborn, Cashel, Noble.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed and

The senate adjourned.

T. O. SMITH,  
Secretary.



## THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,

January 5, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present.

Master Gordon Russell was sworn in as page.

The president appointed as a committee to revise and correct the first and second days' journals, Messrs. Arnold, Noble and Twichell.

## MOTIONS AND RESOLUTIONS.

Mr. Laidlaw presented the following resolution:

Whereas, the Hon. Edward G. Patterson, mayor of the city of Bismarck, has in the name of the city supplied to each member of the senate free transportation to and from the capitol building during the present session, and,

Whereas, such favors are fully appreciated by the members of the senate.

Therefore, be it resolved, that there is hereby tendered to Hon. Edward G. Patterson, as mayor of the city of Bismarck, the thanks of the members of the senate for the favors herein mentioned.

Mr. McGillivray moved its adoption.

Which motion prevailed, and

The resolution was adopted.

The courtesies of the floor were given to Messrs. E. G. Patterson, W. A. McClare, Alex. Montague, J. D. Moulder and R. E. Fleming, of Cass county; Henry Rieton and O. G. Hansen, of Grand Forks county; H. C. Flint and Rev. Ryan, of Stutsman county; T. O'Keefe, D. R. Jones, Mr. Wainbery, Joseph D. Scanlan, Grand Forks; Douglas Fenwick, Minneapolis; Thos. Hull and Fred Jordan, of Cass county; Martin Walsh, Plum Campbell and David Armstrong.

## INTRODUCTION OF BILLS.

Mr. Creel introduced

Senate bill No. 6.

A bill for an act repealing article 23 of the political code of North Dakota, relating to oil inspection.

Mr. Ames introduced

Senate bill No. 7.

A bill for an act to amend section 5226 of the Revised Codes of the State of North Dakota of the revision of 1895, relating to the appointment of a guardian ad litem.

Mr. Fuller introduced

Senate bill No. 8.

A bill for an act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Mr. McCarten introduced

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

## FIRST READING OF SENATE BILLS.

Senate bill No. 6.

A bill for an act repealing article 23 of the political code of North Dakota, relating to oil inspection.

Was read the first time.

Senate bill No. 7.

A bill for an act to amend section 5226 of the Revised Codes of the State of North Dakota, of the revision of 1895, relating to the appointment of a guardian ad litem.

Was read the first time.

Senate bill No. 8.

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Was read the first time.

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Was read the first time.



## SECOND READING OF SENATE BILLS.

Senate bill No. 6.

A bill for an act repealing article 23 of the political code of North Dakota, relating to oil inspection.

Was read the second time.

Senate bill No. 7.

A bill for an act to amend section 5226 of the Revised Codes of the State of North Dakota, of the revision of 1895, relating to the appointment of a guardian ad litem.

Was read the second time.

Senate bill No. 8.

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Was read the second time.

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Was read the second time.

## COMMITTEE OF THE WHOLE.

Mr. LaMoure moved

That the senate resolve itself into a committee of the whole to consider

Senate Bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota relating to the dissolution of marriage,

Which motion prevailed.

The president called Mr. McGillivray to the chair.

When the committee arose the following report was submitted:  
Mr. President:

Your committee to whom was referred

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage.

Have had the same under consideration and recommend that the same do pass.

A. C. MCGILLIVRAY,  
Chairman.

The president presiding.

Mr. LaMoure moved  
That Mr. Brant be elected janitor of the senate committee rooms.  
Which motion prevailed.  
Mr. Marshall moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,  
Secretary.

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#### FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 6, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.  
The president presiding.  
Prayer by the chaplain.  
Roll called.  
All members present.  
The journal of the third day was read.

#### INTRODUCTION OF BILLS.

Mr. Mansfield introduced  
Senate bill No. 10,  
A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Mr. Creel introduced  
Senate bill No. 11,  
A bill to regulate the granting of marriage licenses.

Mr. Ames introduced

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Mr. Ames introduced

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Mr. Cashel introduced

Senate bill No. 14,

To prevent the overflow and improve navigation of the Red river

### FIRST READING OF SENATE BILLS.

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Senate bill No. 11,

A bill to regulate the granting of marriage licenses.

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Senate bill No. 14,

To prevent the overflow and improve navigation of the Red river

Mr. Arnold moved

That the senate return to the seventh order of business,  
Which motion prevailed.

### REPORT OF SPECIAL COMMITTEES.

Mr. President:

Your special committee appointed to examine and correct the journal of the first day have had the same under consideration and recommend the following corrections:



On page 4, line 28 of printed journal, change "LaMouren" to LaMoure.

On page 5, line 21, change "F. G. Anderson" to T. G. Anderson.

On page 6, line 24, change "Mouke" to Mouck and "proof" to post; and in line 33 change "Mouke" to Mouck.

On page 8, line 9, change "Ole Anderson" to Gordon Russell; and line 19 strike out the word "for;" and line 20 strike out "stenographer of the senate" and insert in lieu thereof the words—a stenographer for the senators.

And with these corrections your committee recommend that the journal as printed be approved.

H. F. ARNOLD, Chairman.

L. B. HANNA,

D. W. McCANNA.

Mr. Arnold moved its adoption,  
Which motion prevailed, and  
The report was adopted.

The courtesies of the floor were extended to Messrs. Chas. Porter, N. R. Davis, Chas. Mitchell, H. C. Knowlton, Willis Smith, Z. Davidson, A. J. F. Voight.

The President appointed Messrs. McCanna, McCarten and Noble a committee to revise and correct the Journal of the third day.

### THIRD READING OF SENATE BILLS.

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 29, nays none; absent and not voting two.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller of Pembina,

Messrs—

Fuller of Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Murphy,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting, Messrs. Levang and Little.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate Bill No. 1 was passed be reconsidered, and the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Twichell moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,

Secretary.

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## FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 7, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present.

Except Messrs. Cox, Fuller of Stutsman, LaMoure, Little, McCanna, Murphy, who were excused.

The journal of the fourth day was read.

Mr. Arnold moved

To amend the report of the committee on revision and correction of the journal of the fourth day as follows:

On page 3, line 6, after the word "post" insert the following: "Strike out in line 25 the word 'reader' and insert in lieu thereof the word 'master.'"

Which motion prevailed, and

The report was adopted.

## PETITIONS AND COMMUNICATIONS.

Bismarck, N. D., Jan. 6, 1899.

Hon. J. M. Devine,

President of the Senate.

Dear Sir: I am a contestant for the seat now held by Hon. J. A. McDougal in your honorable body from the thirtieth legislative district of the state of North Dakota. All the evidence in the case is now on file as provided by law in the office of the honorable secretary of state, which evidence is subject to the orders of the honorable senate or its committee on elections.

Respectfully yours,

J. S. GREEN,  
Contestant.

Bismarck, N. D., Jan. 6, 1899.

Hon. J. M. Devine,

President of the Senate.

Dear Sir: I am a contestant for the seat now held by Hon. Joseph E. Cronan in your honorable body from the ninth legislative district of the state of North Dakota. All the evidence in the case is now on file as provided by law in the office of the honorable secretary of state, which evidence is subject to the honorable senate or its committee on elections.

Respectfully yours,

J. A. JOHNSON,  
Contestant.

Mr. Arnold moved

That the secretary of the senate request the secretary of state to furnish the senate the papers in the contest of Johnson vs. Cronan.

Which motion prevailed.

The courtesies of the floor were granted to Mr. C. E. Galehouse of Carrington.

## REPORT OF SPECIAL COMMITTEE.

The committee on revision and correction of the Journal made the following report:

Mr. President:

Your committee on revision and correction of the journal of the third day have examined the same and find it correct.

We recommend that the journal of the third day be approved.

R. M. McCARTEN,  
Chairman.



Mr. McCarten moved  
That the report be adopted,  
Which motion prevailed and  
The report was adopted.

### REPORT OF STANDING COMMITTEES.

Mr. President:

Your standing committee on rules upon which devolves the duty of formulating rules for the government of the senate for the Sixth legislative assembly have had the same under consideration and recommend the adoption of the rules that were adopted by and which were in force at the close of the Fifth legislative assembly.

JUDSON LAMOURE,  
Chairman.

Mr. Arnold moved  
That the report be adopted,  
Which motion prevailed and  
The report was adopted.

Mr. Porter moved  
That the senate do now adjourn,  
Which motion prevailed and  
The senate adjourned.

J. O. SMITH,  
Secretary.

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### SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 9, 1899.

The senate met at 2 o'clock p. m., pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cox, Murphy and Sanborn, Mr. Sanborn being excused.

The Journal of the Fifth day was read, and

The president appointed Messrs. Sharpe, Noble and Slotten committee on correction of the Journal of the Fourth day.

Mr. Cashel moved that

Senate bill No. 14,

To prevent the overflow and improve navigation of the Red river

Be referred to the committee of the whole,

Which motion prevailed.

Mr. Arnold moved

That the motion to approve the Journal of the First day be reconsidered,

Which motion prevailed.

Mr. LaMoure moved

That Master Arthur O'Connor be elected as page for the senate,

Which motion prevailed.

Master O'Connor was sworn in.

Mr. McGillivray moved

That Master Grant Hall be elected as page for the senate,

Which motion prevailed.

The courtesies of the floor were extended to Major F. O. Getchell, of Fort Totten; H. F. Chaffee, George N. Smith, F. E. Sargent, of Cass, H. R. Dickenson, A. B. Hillivid, Arne Haugan, Mr. Reynolds, J. C. Hunt and J. J. Duscome.

Mr. Little moved

That the name "Jordan," which appears in the Journal of the First day, be stricken out and in lieu thereof the name "Jordhoy" be inserted,

Which motion prevailed.

#### INTRODUCTION OF BILLS.

Mr. Baker introduced

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Mr. Creel introduced

Senate bill No. 16,

A bill for an act to amend sections 7595 and 7596, chapter 63 of Revised Codes of the state of North Dakota, relating to prohi-

bition. Unlawful dealing in intoxicating liquors. Physicians may prescribe under what conditions. Druggist sale regulated. Affidavits. Oaths. Blanks furnished. Sales recorded. Penalty.

Mr. Dunlap introduced

Senate bill No. 17,

A bill for an act amending section 1, chapter 37, laws of 1897, relating to bounty on certain stock destroying animals.

Mr. Little introduced

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
January 9, 1899.

Mr. President:

I have the honor to transmit herewith

Senate Concurrent Resolution,

Commending the patriotism of the soldiers of North Dakota now serving their country,

Which the house has adopted.

Very respectfully,

J. G. HAMILTON,  
Chief Clerk.

### FIRST READING OF SENATE BILLS.

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Was read the first time.

Senate bill No. 16,

A bill for an act to amend sections 7595 and 7596, chapter 63 of Revised Codes of the state of North Dakota, relating to prohibition. Unlawful dealing in intoxicating liquors. Physicians may prescribe under what conditions. Druggist sale regulated. Affidavits. Oaths. Blanks furnished. Sales recorded. Penalty.

Was read the first time.



Senate bill No. 17,

A bill for an act amending section 1, chapter 37, laws of 1897, relating to bounty on certain stock destroying animals.

Was read the first time.

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Was read the first time.

### SECOND READING OF SENATE BILLS.

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Was read the second time and

Referred to the Committee on Stock.

Senate bill No. 11,

A bill to regulate the granting of marriage licenses.

Was read the second time and

Referred to the Committee on Judiciary.

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Was read the second time and

Referred to the Committee on Judiciary.

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Was read the second time and

Referred to the Committee on Judiciary.

Senate bill No. 14,

To prevent the overflow and improve navigation of the Red river

Was read the second time and

Referred to committee of the whole.

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Was read the second time, and

Referred to the Committee on Appropriations,

Senate bill No. 16,

A bill for an act to amend sections 7595 and 7596, chapter 63 of Revised Codes of the state of North Dakota, relating to prohibition. Unlawful dealing in intoxicating liquors. Physicians may prescribe under what conditions. Druggist sale regulated. Affidavits. Oaths. Blanks furnished. Sales recorded. Penalty.

Was read the second time, and

Referred to the Committee on Temperance.

Senate bill No. 17,

A bill for an act amending section 1, chapter 37, laws of 1897, relating to bounty on certain stock destroying animals.

Was read the second time, and

Referred to the Committee on Stock.

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Was read the second time, and

Referred to the Committee on Appropriations.

The president appointed Messrs. LaMoure, Little, Twichell, McCarten, Arnold, Cashel and Noble, Committee on Joint Rules.

Mr. LaMoure moved

That the house be informed that the senate Committee on Joint Rules have been appointed and are ready to meet with the house Committee on Joint Rules,

Which motion prevailed.

The president referred

Senate bill No. 6.

A bill for an act repealing article 23 of the political code of North Dakota, relating to oil inspection.

To Committee on State Affairs.

Senate bill No. 7.

A bill for an act to amend section 5226 of the Revised Codes of the State of North Dakota of the revision of 1895, relating to the appointment of a guardian ad litem.

To Committee on Judiciary.

Senate bill No. 8.

A bill for an act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for mak-

ing needed permanent improvements for the hospital for the insane at Jamestown.

To Committee on Appropriations.

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

To Committee on Judiciary.

Mr. McGillivray moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

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## EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 10, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Sanborn, who was excused.

The Journal of the seventh day was read and approved.

Mr. McCanna moved

That the name Duscome, which appears in the Journal of the seventh day be stricken out, and in lieu thereof the name of McCanna be inserted.

The courtesies of the floor were extended to Thomas Bunton, T. H. Dickinson, T. B. Dawson, E. Young, W. J. Hawk and W. G. Ross, Cass county; G. S. Barnes, E. T. Tyler, Max Stern, E. Sundberg, Fargo; John W. Christian, Forman; H. C. McCartney, Ed A. Smith, Oakes; A. H. Gray, C. H. Olsby, Valley City; F. Baldwin, Jamestown; Lars Thompson, David Bartlett, Stephen Collins, Mr. Iarumgord, Asa Sargent, James A. Schofield, Thomas McDonald, Fred Snore.



## REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee appointed to examine and correct the Journal of the fourth day have had the same under consideration, and recommend the following correction:

On page 3, line 41 of printed Journal, change "Slotton" to "Slotten."

And with this correction your committee recommend that the Journal as printed be approved.

J. B. SHARPE,  
Chairman.  
ANDREW SLOTTEN,  
V. B. NOBLE.

Mr. Sharpe moved  
The adoption of the report,  
Which motion prevailed.

## REPORT OF SPECIAL COMMITTEE.

Special committee report.

Mr. President:

Your special committee appointed to examine and correct the Journal of the second day have had the same under consideration, and recommend the following corrections:

On page 1 of the printed Journal insert after the words "sixth session" as the third head line the words "second day."

On page 3 after the word "taxation" in the thirty-seventh line insert the following:

"Mr. LaMoure moved

That the rules be suspended, and that all senate bills be read the first and second times and referred, except Senate Bill No. 1, which is to be referred to the committee of the whole,

Which motion prevailed."

On page 4 strike out lines 27, 28, 29 and 30; change signature of secretary to J. O. Smith, and when so corrected your committee recommend that the Journal be approved.

Respectfully submitted,

H. F. ARNOLD,  
Chairman.  
V. B. NOBLE.

## MESSAGE FROM THE HOUSE.

Mr. President:

I have the honor to inform the senate that the speaker has appointed the house members of the committee on joint rules consisting of Messrs. Stevens, McHarg, Dougherty, Glasgow, Allen, McLean, Thompson, Peek, Chacey.

Respectfully,

J. G. HAMILTON,  
Chief Clerk.

Mr. McCarten introduced the following:

## CONCURRENT RESOLUTION.

Whereas, From recent decisions of the supreme court the present interstate commerce law is defective in that the Inter-State Commerce Commission is not given sufficient power to carry out the provisions of said law; and,

Whereas, there is now pending in congress a bill embracing the amendments recommended by the Inter-State Commerce Commission, and having the endorsement of various boards of trade, shippers and producers throughout the country; therefore,

Be it resolved by the senate, the house of representatives concurring;

That our senators and representatives in congress be urged to do all in their power to secure the passage of Senate Bill No. 3354.

Resolved further, that a copy of these resolutions, properly attested, be sent to each of our representatives in the congress of the United States.

Mr. McCarten moved

The adoption of the concurrent resolution,

Which motion prevailed.

## INTRODUCTION OF SENATE BILLS.

M. Slotten introduced

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "An act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Mr. Laidlaw introduced

Senate bill No. 20,

A bill for an act to repeal chapter 77 of the Civil Code as contained in the Revised Codes of 1895 from section 4778 to section 4801 inclusive, which chapter 77 defines who shall acquire liens upon buildings, erections and improvements, for the performance of labor upon or for the furnishing of materials, machinery or fix-

tures for the **construction or repair** thereof; and further defines how said lien shall be filed and foreclosed.

Mr. Creel introduced

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Mr. Ames introduced

Senate bill No. 22,

A bill for an act to amend sections 6432, 6433 and 6434 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to sales by executors and administrators.

Mr. Cronan introduced

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Mr. Hegge introduced

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "An act authorizing cities to pave and otherwise improve streets, alleys and highways **and to provide for the cost thereof**, and to create improvement districts within the limits of such cities."

Was read the first time.

Senate bill No. 20,

A bill for an act to repeal chapter 77 of the Civil Code as contained in the Revised Codes of 1895 from section 4778 to section 4801 inclusive, which chapter 77 defines who shall acquire liens upon buildings, erections and improvements, for the performance of labor upon or for the furnishing of materials, machinery or fixtures for the construction or repair thereof; and further defines how said lien shall be filed and foreclosed.

Was read the first time.

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Was read the first time.

Senate bill No. 22,

A bill for an act to amend sections 6432, 6433 and 6434 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to sales by executors and administrators.

Was read the first time.

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Was read the first time.

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Was read the first time.

## SECOND READING OF SENATE BILLS.

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "An act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Was read the second time, and

Referred to Committee on Cities and Municipalities.

Senate bill No. 20,

A bill for an act to repeal chapter 77 of the Civil Code as contained in the Revised Codes of 1895 from section 4778 to section 4801 inclusive, which chapter 77 defines who shall acquire liens upon buildings, erections and improvements, for the performance of labor upon or for the furnishing of materials, machinery or fixtures for the construction or repair thereof; and further defines how said lien shall be filed and foreclosed.

Was read the second time, and

Referred to the Committee on Judiciary.

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Was read the second time, and

Referred to Committee on Insurance.

Senate bill No. 22,

A bill for an act to amend sections 6432, 6433 and 6434 of the



Revised Codes of the state of North Dakota, of the revision of 1895, relating to sales by executors and administrators.

Was read the second time, and

Referred to the Committee on Judiciary.

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Referred to Committee on Corporations other than Municipal.

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Was read the second time, and

Referred to the Committee on Agriculture.

Mr. Little moved

That the senate return to the seventh order of business, and that the president appoint a committee of two to visit the executive mansion to learn what improvements are needed,

Which motion prevailed and

The president appointed Messrs. Little and Hanna as such committee.

Mr. Cashel moved

That the senate resolve itself into a committee of the whole to consider

Senate Bill No. 14,

Joint memorial to congress,

Which motion prevailed.

The president called President pro tem McGillivray to the chair.

In regular session.

Report of the committee of the whole.

Mr. President:

The committee of the whole to whom was referred

Senate bill No. 14,

Joint memorial to congress,

To prevent the overflow and improve navigation of the Red river

Have had the same under consideration and recommend that the same do pass.

A. C. MCGILLIVRAY,  
Chairman.

President pro tem McGillivray in the chair.

Mr. LaMoure moved

That the rules be suspended and

Senate Bill No. 14,

Joint memorial to congress,

Be read the third time and put on its final passage,

Which motion prevailed.

The question being upon the final passage of the bill

The roll being called, there were ayes 27, nays none.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Murphy,  
Porter,  
Sharpe,  
Slotten,  
Twichell,

Absent and not voting:

Messrs—

Cronan,  
Little,

Messrs—

Noble,

Messrs—

Sanborn,

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 11, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Sanborn, who was excused.

The Journal of the eighth day was read and approved.

The courtesies of the floor were extended to E. J. Taylor, P. P. Hamer, Frank Veits, Stephen Collins, L. M. Lockerly, M. J. Leahy, R. M. Packard, C. D. Gray, H. R. Hartman, J. A. Winsloe, G. S. Barnes, David Bartlette, O. J. Olson, W. C. McFadden, E. S. Tyler, Fred Walker, Major Fleming, R. V. Lovell, Col. Morrow, D. R. Pierce, J. A. Johnson.

## PETITIONS AND COMMUNICATIONS.

To the Honorable Senate and House of Representatives of North Dakota, in Bismarck assembled, greeting:

We, the undersigned, ask and pray that you attach all that part of Benson county lying in town 151 and range 62 to Ramsey county.

Signed by us who are citizens of the United States and of the above described district; and further we ever pray.

OLE OLESON  
And six others.

Referred to committee on counties.

## REPORT OF SPECIAL COMMITTEE.

Special committee to correct Journal first day.

Mr. President:

Your committee appointed to revise and correct the Journal for the first day recommend that their report which appears on pages 2 and 3 of the printed Journal of the fourth day be amended by inserting after the words "stenographer for the senators" the following:

On pages 9 and 10 strike out all matter under the heads of "introduction of bills" and "second reading of senate bills,"

And when so amended recommend the adoption of the Journal of the ninth day.

H. F. ARNOLD, Chairman.  
L. B. HANNA.

Mr. Arnold moved

That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

Mr. Arnold moved

That the report of the committee on revision and correction of the Journal of the first day, as amended, be adopted.

Which motion prevailed, and  
The report was adopted.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 11, 1899.

To the Senate:

I have the honor to inform you that the annual jail reports of the respective counties of the state are on file in this office and are subject to consideration by your honorable body, as per section 8604 of the Revised Codes.

Very respectfully yours,  
F. B. FANCHER,  
Governor.

The president appointed Messrs. Cooper, Mansfield and Murphy a committee to revise and correct the Journal of the eighth day.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
January 11, 1899,

The following message was received from the house:

Mr. President:

I have the honor to transmit herewith

A memorial and concurrent resolution to the United States congress praying for the establishment of a national lazaretto for the treatment of lepers,



Which the house has passed, and your concurrence therein is respectfully requested,

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

### MEMORIAL AND CONCURRENT RESOLUTION

Of the House of Representatives and Senate of the State of North Dakota to the Congress of the United States, Praying for the Establishment of a National Lazarretto for the Care and Maintenance of Citizens of the United States Afflicted with Leprosy.

To the Honorable the Congress of the United States :

Whereas, There are now residing in this state a few citizens of the United States afflicted with that most loathsome disease, leprosy ; and

Whereas, Owing to the contagious and incurable nature of the disease which baffles the skill of medical science, and endangers the safety of the public ; and

Whereas, The care, cure and maintenance of these unfortunate people by the local authorities of the state, is impracticable and dangerous ; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That your honorable body be requested and urged to take prompt action in establishing and maintaining a national Lazarretto for the cure and treatment of citizens of the United States afflicted with leprosy ;

Resolved, further, That engrossed copies of the memorial, duly signed by the speaker of the House and president of the Senate and countersigned by the chief clerk of the House and secretary of the Senate, be sent to each of our representatives in Congress, the Honorables Henry C. Hansbrough and William N. Roach, members of the United States Senate, and Martin N. Johnson, member of the House of Representatives.

Mr. Murphy introduced

Senate bill No. 25,

A bill for an act entitled an act to amend section 667 of the 1895 Revised Codes of the state of North Dakota, as amended by chapter 75 of the laws of 1897, relating to the changing of boundaries of school districts.

Mr. Little introduced

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Mr. Creel introduced

Senate bill No. 27,

A bill for an act to amend section 1495, article 2, chapter 22 of the Revised Codes of the state of North Dakota of the revision of

1895, relating to the election for the purchase of an asylum for the poor.

### FIRST READING OF SENATE BILLS.

Senate bill No. 25,

A bill for an act entitled an act to amend section 667 of the 1895 Revised Codes of the state of North Dakota, as amended by chapter 75 of the laws of 1897, relating to the changing of boundaries of school districts.

Was read the first time.

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was read the first time.

Senate bill No. 27,

A bill for an act to amend section 1495, article 2, chapter 22 of the Revised Codes of the state of North Dakota of the revision of 1895, relating to the election for the purchase of an asylum for the poor.

Was read the first time.

### SECOND READING OF SENATE BILLS.

Senate bill No. 25,

A bill for an act entitled an act to amend section 667 of the 1895 Revised Codes of the state of North Dakota, as amended by chapter 75 of the laws of 1897, relating to the changing of boundaries of school districts.

Was read the second time, and

Referred to the committee on education.

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was read the second time, and

Referred to the committee on appropriations.

Senate bill No. 27,

A bill for an act to amend section 1495, article 2, chapter 22 of the Revised Codes of the state of North Dakota of the revision of 1895, relating to the election for the purchase of an asylum for the poor.

Was read the second time, and

Referred to the committee on state affairs.

Mr. Creel moved

That an additional stenographer for the senators be appointed,  
Which motion prevailed.

Mr. LaMoure moved

[ That Messrs. McDonald and Norgaard be elected as janitors,  
one for the senate chamber, the other for the senate committee  
rooms.

Which motion prevailed, and

They were sworn in.

Mr. Dunlap moved

That T. J. Lamb be elected as an enrolling and engrossing  
clerk,

Which motion prevailed, and

Mr. Lamb was sworn in.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,

Secretary.

## TENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 12, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. McDougal, who was excused.

The Journal of the ninth day was read and approved.

The following communication was received from the Ministerial Association held in Fargo, N. D.:

At the regular meeting of the Ministerial Association of the city of Fargo, held the ninth day of January, the following resolutions were unanimously adopted:

Be It Resolved, That the association do hereby express their hearty appreciation of the action of the senate in the passing of the bill known as No. 1, relative to the amendment of the present divorce laws, and beg to assure the honorable body, that we believe it to be a step in the right direction, and legislation in accordance with the wishes of the people.

And we do hereby urge upon the members of the house of representatives that they concur in the action of the senate in the passing of the aforesaid bill, and that copies of these resolutions be sent to the members representing Cass county in the house of representatives, and they be requested to use their best efforts to secure the passage of the same.

## REPORT OF STANDING COMMITTEE.

Report of the senate committee.

Mr. President:

Your standing committee on elections, to whom was referred the matter of the contest of J. A. Johnson against Joseph E. Cronan for a seat in this senate, have had the same under consideration, and unanimously recommend that the contest be dis-



missed, and that Joseph E. Cronan be declared the state senator from the Ninth Legislative district.

Respectfully submitted,

H. F. ARNOLD, Chairman.  
JUDSON LAMOURE,  
R. C. COOPER,  
V. B. NOBLE,  
J. L. CASHEL,  
E. F. PORTER,  
R. C. SANBORN.

Mr. Arnold moved  
The adoption of the report,  
Which motion prevailed.

### REPORT OF STANDING COMMITTEE.

Mr. President:

Your committee on joint rules beg leave to submit the following as their report:

Your committee have prepared and herewith submit joint rules and joint convention rules for the government of the house and senate, and ask that the same be adopted, and when so adopted that they be published in connection with the rules of the house and senate.

Respectfully submitted,

JUDSON LAMOURE,  
Chairman of the Senate Committee.  
R. N. STEVENS,  
Chairman of the House Committee.

### JOINT RULES.

1. Each house shall transmit to the other all papers on which any bill or resolution shall be founded.

2. When a bill or resolution shall have passed in one house or rejected in the other, notice thereof shall be given to the house in which the same may have passed.

3. Messages from one house to the other shall be communicated by the secretary of the senate and clerk of the house of representatives, unless the house transmitting the message shall especially direct otherwise.

4. It shall be in the power of either house to amend any amendment made by the other to any bill or resolution.

5. In every case of a difference between the two houses upon any subject of legislation, if either house shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a committee, such committee shall meet at such hour and place as shall be agreed on by the chairman and state to each other, verbally or in writing, as either may choose, the reasons of their respective houses,

and to confer freely thereon, and they shall be authorized to report to their respective houses such modifications as they think advisable.

6. It shall be in order for either house to recede from any subject matter of difference existing between the two houses at any time previous to a conference, whether the papers on which such difference has arisen are before the house receding formally or informally, and a majority shall govern except in cases where two-thirds are required by the constitution, and the question having been put and lost, shall not be again put the same day, and the consideration thereof in other respects shall be regulated by the rules of the respective houses.

7. After each house has adhered to its disagreement and the bill which is the subject of difference shall be deemed lost, it shall not be again revived during the same session in either house, unless by consent of three-fourths of the members present of the house reviving it.

8. The same bill shall not create, renew or continue more than one incorporation, nor contain any provision in relation to the altering of more than one act of incorporation, nor shall the same bill appropriate public money or property to more than one purpose. Any bill appropriating moneys for the payment of the officers of the government shall be confined to that purpose exclusively.

9. No duplicate of any bill which may have been introduced and printed by one house, shall, upon introduction into the other house, be printed by said other house, except by a two-thirds vote of all the members present.

10. No bill that shall have passed one house shall be sent for concurrence to the other on either of the last two days of the session, whenever a time shall have previously been fixed for the adjournment of the legislature.

11. The committee on enrolled bills in each of the two houses shall act jointly in the examination of all bills and resolutions before their presentation to the governor, either as a body or by such respective sub-committees as such committees may appoint for that purpose.

12. Whenever both houses, by the constitutional vote, direct that any act or resolution shall take effect immediately or at any time before July 1 following the session of the legislature, a proviso shall be added at the enrollment of the same in words to this effect: "This act shall take effect immediately (or in . . . . . days)."

13. Every resolution by which any money or other property of the state shall be donated or appropriated, or by which any expense to the state shall be incurred, or which shall have any operation or effect outside of the two houses of the legislature, except such appropriation and expenses as shall be for the exclusive use, necessity or convenience of the legislature, shall be either a joint or concurrent resolution, and shall take the same course as a bill, and shall be enrolled and presented to the governor for his signature before the same shall take effect.

14. Either house shall return any bill or resolution called for by resolution of the other house, if the bill or resolution is yet in possession of the house called upon, and no action thereon has yet been had. In case action has been had, then it shall require a two-thirds vote, of the house asked, to return a bill or resolution called for.

### JOINT CONVENTION RULES.

1. Joint conventions shall be held in the hall of the house of representatives, and the president of the senate shall preside.

2. The secretary of the senate and the clerk of the house of representatives shall be secretaries of the joint convention, and the proceedings of the convention shall be published with the journals of the house, and the final result, as announced by the president on return of the senate to their chamber, shall be entered on the journal of the senate.

3. The rules of the house of representatives, as far as the same may be applicable, shall govern the proceedings in joint convention.

4. Whenever a president pro tem. presides he shall be entitled to vote on all occasions, and in case of a tie the question shall be declared lost.

5. Joint conventions shall have the power to compel the attendance of absent members in the mode and under the penalties prescribed by the rules of the house to which such members respectively belong, and for that purpose the sergeant-at-arms of each house shall attend.

6. Joint conventions may adjourn from time to time, as may be found necessary; and it shall be the duty of the house of representatives to prepare to receive the senate, the senate to proceed to the hall of the house of representatives at the time fixed by law or resolution, or to which the joint convention may have adjourned.

Mr. LaMoure moved  
The adoption of the report,  
Which motion prevailed.

### STANDING COMMITTEES.

The president appointed the following committees:

Agriculture—Messrs. McCarten, chairman; Dunlap, McCanna, Cooper, Hegge, Slotten and Baker.

Warehouses, Grain and Grain Grading—Messrs. Sharpe, chairman; Sanborn, Hanna, Slotten, McCarten, McDougal, Twichell, Cronan and McCanna.

Counties—Messrs. Sanborn, chairman; Arnold, McGillivray, Mansfield, McCanna, McDougall and Baker.

Engrossed Bills—Messrs. Porter, chairman; Hanna, Little, Arnold and Marshall.

Apportionment—Messrs. Slotten, chairman; Cox, Sharpe, Cronan, McDougal, Hegge, Murphy, Fuller (of Pembina), Ames, Creel and Baker.

Corporations Other Than Municipal—Messrs. Ames, chairman; Porter, Sanborn, Dunlap, Fuller (of Stutsman), Hegge and Levang.

Federal Relations—Messrs. Luke, chairman; Baker, Fuller (of Pembina), McDougal and Creel.

Insurance—Messrs. Hegge, chairman; Cox, Sanborn, Cronan and Laidlaw.

Judiciary—Messrs. Little, chairman; Ames, Noble, Arnold, Sharpe, McGillivray, Hanna, Murphy, Cashel, McCanna and Luke.

Education—Messrs. Hanna, chairman; Arnold, Ames, Hegge, Cashel, Sanborn and Cooper.

Elections—Messrs. Arnold, chairman; Cooper, LaMoure, Porter, Sanborn, Noble and Cashel.

Appropriations—Messrs. Twichell, chairman; Arnold, Cox, Sanborn, Fuller (of Stutsman) Ames, Marshall, Little, Mansfield, Murphy and Creel.

Cities and Municipalities—Messrs. Luke, chairman; Fuller (of Stutsman), Noble, Dunlap, Cox, Slotten and Cronan.

Indians and Indian Affairs—Messrs. McDougal, chairman; Baker, Creel, Laidlaw and Hegge.

Public Health—Messrs. Mansfield, chairman; McDougal, Levang, Baker and Luke.

Banks and Banking—Messrs. Murphy, chairman; Marshall, Hanna, Mansfield, Laidlaw, Cashel and Ames.

Railroads—Messrs. LaMoure, chairman; Arnold, Hanna, McDougall, McGillivray, Porter, Twichell, McCarten, Slotten, Sharpe and Cooper.

State Affairs—Messrs. Marshall, chairman; Hanna, Luke, Sanborn, Cox, Dunlap and Noble.

Public Lands—Messrs. McCanna, chairman; McGillivray, Creel, Cooper and Hegge.

Public Printing—Messrs. McGillivray, chairman; Arnold, McDougal, Cronan and Mansfield.

Temperance—Messrs. Cooper, chairman; McCarten, Hanna, Ames, Cashel, Baker and Slotten.

Statistics—Messrs. Dunlap, chairman; Cooper, McCarten, Porter, and Levang.

Stock—Messrs. Baker, chairman; McGillivray, Mansfield, Cooper and Cronan.

Woman's Suffrage—Messrs. McCarten, chairman, Luke, McCanna, Mansfield and Levang.

Ways and Means—Messrs. Hanna, chairman; Sharpe, Slotten, Twichell, Murphy, Creel and Noble.

Rules—Messrs. LaMoure, chairman; Little, Twichell, McCarten, Arnold, Cashel and Noble.

Immigration—Messrs. Sanborn, chairman; Luke, Cox, Fuller (of Pembina), and Levang.

Highways, Bridges and Ferries—Messrs. Slotten, chairman; McCarten, Dunlap, McCanna and Laidlaw.

Irrigation—Messrs. Laidlaw, chairman, McGillivray, Sanborn, Fuller (of Pembina) Dunlap and Levang.

Military—Messrs. Creel, chairman; Sanborn, Sharpe, Little and Luke.

#### JOINT COMMITTEES.

Public Buildings—Messrs. McGillivray, chairman; Dunlap, LaMoure, Slotten and Sharpe.

Charitable Institutions—Messrs. Cox, chairman; Murphy, Marshall, McCanna and Fuller (of Stutsman).



Penal Institutions—Messrs. Little, chairman; Sanborn, Baker, Laidlaw and Cronan.

Educational Institutions—Messrs. Hanna, chairman; Arnold, Ames, Hegge, Cashel and Sanborn.

State Library—Messrs. Sharpe, chairman; Arnold, Little, LaMoure and Noble.

Joint Rules—Messrs. LaMoure, chairman; Little, Twichell, McCarten, Arnold, Cashel and Noble.

### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
January 12, 1899.

The following message was received from the house:

Mr. President:

I have the honor to transmit herewith

#### A Concurrent Resolution

Relating to the appointment of a joint committee to investigate the workings of the twine plant in the penitentiary at Stillwater, and making such recommendations to this legislative assembly as to them seem wise,

### CONCURRENT RESOLUTION.

Whereas, It appears from the report of the warden of the state penitentiary that there is lack of employment for the inmates of that institution, resulting in a financial disadvantage to the state and tending to produce unfavorable mental and physical conditions among the inmates;

And, Whereas, It also appears that in the year 1891, a "Twine and Cordage Plant" was built and in the following year started in operation at the Minnesota state penitentiary located at Stillwater in that state; that the said plant has been operated since that time with such success that the institution is now self-supporting, and during the last year the earnings of the inmates exceeded the expense (per capita) of keeping each of them, by the sum of \$114.62, while in the year 1891, the year before the "Twine Plant" was put in operation, the excess of the expense over the earnings was \$145.63 per capita; therefore,

Resolved by the House of Representatives, the Senate concurring, That a committee, consisting of three members from the House of Representatives, to be appointed by the speaker, and two members of the Senate, to be appointed by the president of the Senate, be appointed to investigate the matters above referred to; to visit the said Minnesota state penitentiary for that purpose, if it shall seem advisable to them to do so, and report with all convenient speed to this legislature such recommendations on the subject as to them may seem wise.

Which the house has passed, and your concurrence therein is respectfully requested.

H. E. LAVAYEA,  
Acting Chief Clerk.

Mr. Sharpe moved

That the resolution be adopted,

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

January 12, 1899.

Mr. President:

I have the honor to return herewith

A Concurrent Resolution

Relating to a request to our senators and representative in the United States congress that they endeavor to secure the passage of Senate Bill No. 3354.

Also,

I have the honor to return herewith

A Concurrent Resolution

Relating to a request for congressional action toward the building of dams and controlling the water of the river in the Red River valley.

Both of which concurrent resolutions the house has passed unchanged.

Very respectfully,

H. E. LAVAYEA,

Acting Chief Clerk.

The courtesies of the floor were extended to A. H. McGillivray, W. C. Taylor, H. M. Jones, H. S. Deisem, David Stewart, Frank Palmer, M. Delebur, Ole Lofthus, O. R. Gray, W. H. Aymar, A. V. Huff, David Bartlett, Paul Bilden, William McLanen, F. A. Brown, John Dinnie, John Bartholomew, A. E. Cooley, L. B. Richardson, W. J. Anderson, Otto Tollesfson, E. H. Kent, William Budge, Nels O. Brakke, Charles Klimfalls, Charles Wilde, W. H. McCormick, A. D. Veeder.

## INTRODUCTION OF BILLS.

Mr. Twichell introduced

Senate bill No. 28,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for ascertaining the value as nearly as possible for the assistance of assessors in the assessment of their property and the taxation of the same.

Mr. McGillivray introduced

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Mr. Creel introduced

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Mr. Cox introduced

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 28,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for ascertaining the value as nearly as possible for the assistance of assessors in the assessment of their property and the taxation of the same.

Was read the first time.

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Was read the first time.

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Was read the first time.

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Was read the first time.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 28,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for ascertaining the value as nearly as pos-

sible for the assistance of assessors in the assessment of their property and the taxation of the same.

Was read the second time, and

Referred to the committee on ways and means.

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Was read the second time, and

Referred to the committee on appropriation.

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Was read the second time, and

Referred to the committee on appropriation.

The secretary announced that the president was absent to sign

The concurrent resolution

Relating to the soldiers of this state who served in the late war.

Mr. Ames moved that

Senate bill No. 22,

A bill for an act to amend sections 6432, 6433 and 6434 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to sales by executors and administrators.

Be withdrawn,

Which motion prevailed.

Mr. Sanborn moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

Very respectfully yours,

J. O. SMITH,

Secretary.



## ELEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 13, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Mr. Arnold, who was excused.

The Journal of the tenth day was read and approved.

Mr. McCarten moved

That the reading of the joint rules and standing committees,  
which appears in the Journal of the tenth day, be dispensed with,  
Which motion prevailed.

The president announced that on the committee on banks and  
banking the name of Little be stricken out and in lieu thereof in-  
sert the name of Mansfield.

Mr. McCanna introduced the following

Resolved by the senate, and house concurring, That there be a commit-  
tee of five, two from the senate appointed by the president, and three from  
the house to be appointed by the speaker, as a committee to visit the sev-  
eral state institutions for the purpose of inspecting the same in regard to  
the needs and necessities and also to determine the amount of appropria-  
tion that is necessary for the different state institutions as near as possi-  
ble, and report to the legislature at an early date.

Mr. McCanna moved

The adoption of the resolution,  
Which motion prevailed.

Mr. Hanna moved

That the senate enrolling and engrossing force be instructed to  
annotate in the codes on the senators' desks the amendments made  
to the code by the fifth legislative session,  
Which motion prevailed.

## REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the eighth day, and recommend the following corrections:

On page 1, line 23, change the word "Iarumgard" to "Serumgaard."

On page 3, line 21, change the word "representative" to "representatives."

On page 4, line 26, change the first word "nd" to "and."

And when so amended recommend that the Journal of the eighth day be approved.

R. C. COOPER,  
M. F. MURPHY,  
W. E. MANSFIELD,  
Committee.

The report was adopted.

The courtesies of the floor were extended to N. Thomas, E. H. Holte, F. D. Hinebaugh, Cass; Dr. Crawford, H. O. Hoy, M. Mattson, P. Mattson, B. G. Orbogass, J. Kennard, R. Kennedy, Frank Davis, New Rockford; S. J. Doyle, Carrington; S. McKay, Sykeston; D. R. Streeter, E. Braddock, H. A. Armstrong, Emmons county; C. H. Stanley, Kidder county.

## INTRODUCTION OF BILLS.

Mr. Sanborn introduced

Senate bill No. 32,

A bill for an act to amend section 5226 of the Revised Codes of North Dakota relating to the appointment of guardian ad litem.

Mr. Noble introduced

Senate bill No. 33,

A bill for an act providing for extension of the time for the collection of personal property taxes for the year 1898 and personal property taxes now delinquent.

Mr. Cooper introduced

Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Mr. Murphy introduced

Senate bill No. 35,

A bill for an act to amend subdivision 22 of article 7 of an act passed by the Fifth session of the legislative assembly of the state

of North Dakota, entitled "an act to amend the probate code of the state of North Dakota," relating to sales made by executors and administrators.

Mr. Laidlaw introduced

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Mr. Ames introduced

Senate bill No. 37,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void.

Mr. Ames introduced

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Mr. Noble introduced

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Mr. Luke introduced

Senate bill No. 40,

A bill for an act entitled "an act to repeal chapter 59 of the session laws of 1897, being an act governing the method of proof of a written instrument or contract to which there are one or more subscribing witnesses."

#### FIRST READING OF SENATE BILLS.

Senate bill No. 32,

A bill for an act to amend section 5226 of the Revised Codes of North Dakota relating to the appointment of guardian ad litem.

Was read the first time.

Senate bill No. 33,

A bill for an act providing for extension of the time for the collection of personal property taxes for the year 1898 and personal property taxes now delinquent.

Was read the first time.

Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the first time.

Senate bill No. 35,

A bill for an act to amend subdivision 22 of article 7 of an act passed by the Fifth session of the legislative assembly of the state of North Dakota, entitled "an act to amend the probate code of the state of North Dakota," relating to sales made by executors and administrators.

Was read the first time.

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Was read the first time.

Senate bill No. 37,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void.

Was read the first time.

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Was read the first time.

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Was read the first time.

Senate bill No. 40,

A bill for an act entitled "an act to repeal chapter 59 of the session laws of 1897, being an act governing the method of proof of a written instrument or contract to which there are one or more subscribing witnesses."

Was read the first time.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 32,

A bill for an act to amend section 5226 of the Revised Codes of North Dakota relating to the appointment of guardian ad litem.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 33,

A bill for an act providing for extension of the time for the collection of personal property taxes for the year 1898 and personal property taxes now delinquent.

Was read the second time and

Referred to the committee on ways and means.



Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the second time and

Referred to the committee on insurance.

Senate bill No. 35,

A bill for an act to amend subdivision 22 of article 7 of an act passed by the Fifth session of the legislative assembly of the state of North Dakota, entitled "an act to amend the probate code of the state of North Dakota," relating to sales made by executors and administrators.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 37,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Was read the second time, and

Referred to the committee on ways and means.

Senate bill No. 40,

A bill for an act entitled "an act to repeal chapter 59 of the session laws of 1897, being an act governing the method of proof of a written instrument or contract to which there are one or more subscribing witnesses."

Was read the second time, and

Referred to the committee on judiciary.

Mr. Twichell moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,  
Secretary.

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## TWELTFH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 14, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present, excepting Mr. Cronan, who was excused.  
The journal of the eleventh day was read, and approved.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined:

### CONCURRENT RESOLUTION.

Relating to amending the Interstate Commerce law,

Whereas, From recent decisions of the supreme court the present inter-

state commerce law is defective in that the Inter-State Commerce Commission is not given sufficient power to carry out the provisions of said law; and,

Whereas, There is now pending in congress a bill embracing the amendments recommended by the Inter-State Commerce Commission, and having the endorsement of various boards of trade, shippers and producers throughout the country; therefore,

Be it resolved by the senate, the house of representatives concurring:

That our senators and representatives in congress be urged to do all in their power to secure the passage of Senate Bill No. 3354.

Resolved further, that a copy of these resolutions, properly attested, be sent to each of our representatives in the congress of the United States.

and find the same correctly enrolled.

E. F. PORTER,

Chairman.

Courtesies of the floor was extended to James H. Cooper of Courtenay.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 14, 1899.

Mr. President:

I have the honor to transmit herewith

#### CONCURRENT RESOLUTION.

Be it Resolved, by the House of Representatives, of the State of North Dakota, the Senate Concurring therein,

That the war between the United States and the Kingdom of Spain, having terminated,

And commissioners representing each of the Governments, having concluded a treaty of the peace, renouncing the sovereignty of the Kingdom of Spain, over the Island of Cuba, and ceding to the Government of the United States, the Islands of Porto Rico, and the group of islands known as the Philippines,

And it being necessary before said treaty can take effect, that it be ratified by the United States senate,

And the legislative assembly of this state being in favor of the ratification of the treaty of peace aforesaid, and of the Government of the United States, assuming control and exercising sovereignty over the territory ceded by the treaty of peace,

Therefore to that end, be it resolved, that the Honorables Henry C. Hansbrough and William N. Roach, United States Senators from North Dakota be, and they are hereby respectfully petitioned and requested to vote in favor of the ratification of the treaty of peace, now pending in the United States Senate,

Resolved, That an engrossed copy of this resolution be forwarded to each of the Senators above named.

Which resolution the house has passed and your concurrence therein is respectfully requested.

Also,

CONCURRENT RESOLUTION.

Be it Resolved, by the House of Representatives of the State of North Dakota, the Senate Concurring therein;

That the war between the United States, and the Kingdom of Spain, having terminated,

And commissioners representing each of the Governments, having concluded a treaty of peace, renouncing the sovereignty of the Kingdom of Spain, over the Island of Cuba, and ceding to the Government of the United States, the islands of Porto Rico, and the group of islands known as the Philippines,

And it being necessary before said treaty can take effect, that it be ratified by the United States Senate,

And the legislative assembly of this state being in favor of the ratification of the treaty of peace aforesaid, and of the Government of the United States, assuming control and exercising sovereignty over the territory ceded by the treaty of peace,

Therefore to that end, be it resolved, that the Honorables Henry C. Hansbrough and William N. Roach, United States Senators from North Dakota, be and they are hereby respectfully petitioned and requested to vote in favor of the ratification of the treaty of peace, now pending in the United States Senate,

Resolved, That an engrossed copy of this resolution be forwarded to each of the Senators above named.

Very respectfully yours,

H. E. LAVAYEA,  
Acting Chief Clerk.

Mr. Little moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Baker moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.



## FOURTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 16, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All present except Mr. Cronan who was excused.

The journal of the twelfth day was read.

The president appointed Messrs Luke, Murphy and McCarten, committee on correction and revision of the journal of the twelfth day.

The secretary announced that the president was about to sign

### CONCURRENT RESOLUTION.

Relating to amending the Interstate Commerce law,

Whereas, From recent decisions of the supreme court the present interstate commerce law is defective in that the Inter-State Commerce Commission is not given sufficient power to carry out the provisions of said law; and,

Whereas, there is now pending in congress a bill embracing the amendments recommended by the Inter-State Commerce Commission, and having the endorsement of various boards of trade; shippers and producers throughout the country; therefore,

Be it resolved by the senate, the house of representatives concurring;

That our senators and representatives in congress be urged to do all in their power to secure the passage of Senate Bill No. 3354.

Resolved further, that a copy of these resolutions, properly attested, be sent to each of our representatives in the congress of the United States.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined:  
Senate bill No. 14,

To prevent the overflow and improve navigation of the Red river

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Have had the same under consideration and recommend that the same after the word "title" on page 2, line 21 of the printed bill add the following:

"And deeds which make no changes in the record title."

And when so amended recommend that the same do pass.

L. B. HANNA,  
Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The courtesies of the floor were extended to C. J. Lowe, M. Falahay, S. G. McCanna, George D. Palmer, C. K. Wing, J. C. Thompson, Edgar S. Foley, Frank Collins, J. E. Stewart, S. A. McCanna, James Wilson.

Mr. Porter moved

That an enrolled copy of the senate concurrent resolution "Commending the patriotism of the soldiers of North Dakota now serving their country" be made and sent to our soldier boys at Manilla,

Which motion prevailed.

Mr. LaMoure moved

That the president appoint a committee of five to report from time to time as to the number of clerks it requires to transact the business of the senate,

Which motion prevailed.

The president appointed such committee Messrs. LaMoure, Sanborn, Sharpe, Little and Porter.

#### INTRODUCTION OF BILLS.

Mr. Twichell introduced

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Mr. Twichell introduced

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Mr. Cashel introduced

Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of 1897.

Mr. Cashel introduced

Senate bill No. 44,

A bill for an act to amend section 1940 and 1947, of article 8, chapter 26, of the political code.

FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Was read the first and second times, and

Referred to the committee on ways and means.

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of 1897.

Was read the first and second times, and

Referred to the committee on elections.

Senate bill No. 44,

A bill for an act to amend section 1940 and 1947, of article 8, chapter 26, of the political code.

Was read the first and second times, and

Referred to the committee on ways and means.

Mr. Cashel moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.



FIFTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 17, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present.

The Journal of the thirteenth day was read and approved.

REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

The concurrent resolution

Favoring the appointment of a committee to visit the several state institutions,

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

A concurrent resolution

Relating to the soldiers of the state who served in the late war-

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on corporations, other than municipal, made the following report:

Mr. President:

Your committee on corporations, other than municipal, to whom was referred

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations,

Have had the same under consideration and recommend that the same do pass.

I. W. AMES,  
Chairman.

Mr. McCanna moved

That the journal of the fourteenth day be corrected as follows:

On page 3, line 22, strike out the name Lowe, and insert in lieu thereof the name Lord.

Which motion prevailed.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee to whom was referred the Journal of the twelfth day for correction, respectfully submit the following:

On page 1, where it reads "prayer by the chaplain" should read, prayer was offered by Rev. Ryan, presiding elder,

Also,

On page 3, after which resolution the house has passed and your concurrence therein is respectfully requested, insert

"Very respectfully yours,  
H. E. LAVAYEA,  
Acting Chief Clerk."

Also,

On page 3, second line, insert "consideration of messages from the house,"

Also,

On page 3, at the end of concurrent resolution, strike out

"Very respectfully yours,  
H. E. LAVAYEA,  
Acting Chief Clerk."

And when so corrected move the Journal of the twelfth day be approved.

Very respectfully yours,  
Messrs. LUKE,  
MURPHY,  
McCARTEN.

The courtesies of the floor were extended to J. J. Hughes, T. S. Edison, Charles Mitchell, A. Langsett, C. H. Wing, C. E. Galehouse, Charles Ellingson, O. T. Tofsrud, C. J. Jones, E. E. Cassells, O. L. Ward, P. S. Randall, E. A. Bennett, M. A. Baldwin, W. Gallup, C. S. Holliday, C. J. Wright, Franklin Pollie, Dr. Sprake, J. E. Campbell, E. Thompson, Charles McDonald, George L. Towner, S. G. More, Thomas Harrison, Rudolph Evengson, A. P. Dordrude.

### MOTIONS AND RESOLUTIONS.

Mr. Cashel moved  
That on account of misprint Senate bill No. 44, be reprinted.  
Which motion prevailed.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 17, 1899,

Mr. President:

I have the honor to transmit herewith  
A concurrent resolution

Relating to the appointment of a joint committee of the senate and the house to visit and consult with the proper authorities of the state of Minnesota with a view to secure suitable legislation to provide for the proper grading upon grains grown in North Dakota and shipped to Minnesota terminals, and

Your concurrence therein is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 17, 1899.

Mr. President:

I have the honor to announce that the speaker has appointed the following house members for the joint committee to visit Stillwater, Minn., to investigate the twine plant in operation at the

penitentiary, and make report to this legislative assembly:  
Messrs. Sargent, Bacon and Hare.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

### INTRODUCTION OF SENATE BILLS.

Mr. Dunlap introduced

Senate bill No. 45,

A bill for an act to amend section eighty-two (82) of chapter 126 of the laws of 1897 of the state of North Dakota, relating to revenue and taxation.

Mr. Sanborn introduced

Senate bill No. 46,

A bill for an act to amend section 5868, of the Revised Codes of North Dakota, relating to parties to actions for the foreclosure of mortgages and other liens.

Mr. Ames introduced

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Mr. Ames introduced

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Mr. Ames introduced

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Mr. Noble introduced

Senate bill No. 50,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto.

### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 45,

A bill for an act to amend section eighty-two (82) of chapter 126 of the laws of 1897 of the state of North Dakota, relating to revenue and taxation.



Was read the first and second times, and  
Referred to the committee on ways and means.

Senate bill No. 46,

A bill for an act to amend section 5868, of the Revised Codes of North Dakota, relating to parties to actions for the foreclosure of mortgages and other liens.

Was read the first and second times, and  
Referred to the committee on judiciary.

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Was read the first and second times, and  
Referred to the committee on judiciary.

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Was read the first and second times, and  
Referred to the committee on judiciary.

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Was read the first and second times, and  
Referred to the committee on judiciary.

Senate bill No. 50,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto.

Was read the first and second times, and  
Referred to the committee on judiciary.

### THIRD READING OF SENATE BILLS.

Mr. Hanna moved

The adoption of the committee report,

Which motion prevailed.

And the report was adopted.

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 30, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Hanna,	McGillivray,
Arnold,	Hegge,	Murphy,
Baker,	Laidlaw,	Noble,
Cashel,	LaMoure,	Porter,
Cooper,	Little,	Sanborn,
Cox,	Luke,	Sharpe,
Cronan,	Mansfield,	Slotten,
Creel,	Marshall,	Twichell
Dunlap,	McCanna,	
Fuller, Pembina	McCarten,	
Fuller, Stutsman.	McDougal,	

Mr. Levang being absent and not voting.

So the bill passed as amended and the title was agreed to.

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 31, nays none.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Hanna,	McDougal,
Arnold,	Hegge,	McGillivray,
Baker,	Laidlaw,	Murphy,
Cashel,	LaMoure,	Noble,
Cooper,	Levang,	Porter,
Cox,	Little,	Sanborn,
Cronan,	Luke,	Sharpe,
Creel,	Mansfield,	Slotten,
Dunlap,	Marshall,	Twichell
Fuller, Pembina	McCanna,	
Fuller, Stutsman,	McCarten,	

So the bill passed and the title was agreed to.

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 29, nays 2.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina  
Fuller, Stutsman.

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Murphy,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell,

Those voting in the negative were:

Messrs—

Dunlap,

Messrs—

McDougal,

So the bill passed and the title was agreed to.

### UNITED STATES SENATOR.

Mr. McGillivray moved

That the senate do now proceed to ballot on United States senator.

Which motion prevailed.

The result of the ballot for United States senator was as follows:

Mr. Murphy voted for Hon. E. C. Cooper.

Those voting for Hon. L. B. Hanna were: Messrs. Little and Porter.

Those voting for Hon. M. N. Johnson were: Messrs. Ames, Arnold, Cooper, Cox, Hegge, Luke, Sharpe, Slotten and Twichell.

Those voting for Hon. C. B. Little were: Messrs. Baker, Marshall and McGillivray.

Those voting for Hon. Judson LaMoure were: Messrs. Fuller of Pembina, Fuller of Stutsman, and Mansfield.

Those voting for Hon. T. F. Marshall were: Messrs. Hanna and Sanborn.

Those voting for Hon. P. J. McCumber were: Messrs. Laidlaw and LaMoure.

Those voting for Hon. W. N. Roach were: Messrs. Cashel, Cronan, Dunlap, Levang, McCanna, McCarten, McDougal and Murphy.

Mr. Creel voted for Dennis Hannifin.

The committee on clerk hire recommend the appointment of the following clerks: John McKnight, Fred Oakley, W. H. Aymor, Earl Fleming and Captain Daniel Horshman.

J. LAMOURE,  
Chairman.

Mr. McGillivray moved  
That the senate do now adjourn.  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,  
Secretary.

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## SIXTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 18, 1899.

The senate met at 12 o'clock, m.

The president presiding.

Roll called.

All members present.

The following message was received from the house:

### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
January 18, 1899.

Mr. President:

I have the honor to inform the senate that the house is now ready to receive the senate in joint session, for the purpose of taking such further proceedings in relation to the election of a United States senator, for the state of North Dakota, as shall be necessary and proper.

Very respectfully yours,  
J. G. HAMILTON,  
Chief Clerk.

Mr. McGillivray moved

That the senate adjourn to the house chamber, to meet in



joint session, for the purpose of balloting for a United States senator,

Which motion prevailed.

The senate reassembled.

Mr. Cashel moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## SEVENTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 19, 1899.

The senate met at 12 o'clock m.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Fuller of Stutsman.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 19, 1899.

Mr. President:

I have the honor to inform the senate that the house is in session and prepared to meet the senate in joint session to ballot for a United States senator.

Very respectfully yours,  
J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That the senate adjourn to the house chamber to meet in joint session for the purpose of balloting for United States senator.

Which motion prevailed.

The senate reassembled.

Mr. Little moved

That the senate adjourn until 11 o'clock a. m. tomorrow and each day thereafter as long as the senatorial contest continues.

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

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## EIGHTEENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 20, 1899.

The senate met at 11 o'clock a. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present.

Mr. Hanna offered the following

### CONCURRENT RESOLUTION.

Be it Resolved by the Senate of the State of North Dakota, the House Concurring:

That the secretary of state is requested to prepare for the use of the state officers and members of the legislative assembly, a legislative manual embodying therein a list of the state officers, members of the senate and house, officers of the respective bodies, the committees thereof, the rules of the respective bodies, the constitution of the state, and such other information as may be necessary and useful for the state officers and members of the legislative assembly.

Mr. Hanna moved the adoption of the resolution,  
Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Also,

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

#### CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives concurring:  
To the Honorable, the Congress of the United States of America,

Resolved, By the Senate, the House of Representatives Concurring:

Whereas, There appears to be a dissatisfaction among the Sioux Indians on the Fort Totten reservation, growing out of alleged grievances,

Therefore, Be It Resolved, That the congress of the United States be asked to appoint a commission, to confer with said Indians regarding said grievances.

Resolved, That said commission when appointed be directed and instructed to proceed with said conference at as early date as possible, and report to congress, and

Resolved, That the secretary of state is hereby instructed to forthwith transmit this memorial to congress and to send copies hereof to the secretary of the interior, commissioner of Indian affairs and to the senators and representatives of the state of North Dakota.

Mr. Hegge moved the adoption of the resolution,  
Which motion prevailed.

#### INTRODUCTION OF BILLS.

Mr. Baker introduced

Senate bill, No. 51,

A bill for an act to regulate primary elections.

Mr. Sanborn introduced

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Mr. Sharpe introduced

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Mr. Hanna introduced

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Mr. Little introduced

Senate bill, No. 55,

A bill for an act making appropriation for repairing and furnishing the executive mansion.

Mr. Arnold introduced

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Mr. Arnold introduce

Senate bill, No. 57,

A bill for an act making appropriation for maintenance of the State University and for needed permanent improvements of the State University.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill, No. 51,

A bill for an act to regulate primary elections.

Was read the first and second times, and

Referred to the committee on elections.

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.



Was read the first and second times, and  
Referred to the committee on appropriations.

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Was read the first and second times, and  
Referred to the committee on appropriations.

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Was read the first and second times, and  
Referred to the committee on appropriations.

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Was read the first and second times, and  
Referred to the committee on appropriations.

Senate bill, No. 57,

A bill for an act making appropriation for maintenance of the State University and for needed permanent improvements of the State University.

Was read the first and second times, and  
Referred to the committee on appropriations.

Mr. Little moved

That a committee of two be appointed by the president to act in conjunction with the house to visit state institutions of the state; also to visit the twine plant at Stillwater, Minn.

Which motion prevailed and

The president appointed Messrs. Ames and McCanna as a committee on state institutions, and Messrs. Twichell and Mansfield a committee to visit the twine plant at Stillwater, Minn.

Mr. Murphy introduced the following

#### CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House Concurring:

That when we adjourn, that a recess be taken until Thursday, January 26, 1899.

Mr. Murphy moved

The adoption of the resolution.

Which motion prevailed and

The resolution was adopted.

Consideration of messages from the house.

## CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives, the Senate concurring:

That, Whereas, Much complaint has been made and much dissatisfaction exists as to grades fixed upon grain shipped from this state by the grain inspectors of the state of Minnesota,

And, Whereas, In the inspection of said grain the authorities of the state of North Dakota have no voice,

Therefore, A committee, consisting of three members of the house of representatives and two members of the senate, be appointed by the speaker of the house and president of the senate respectively, to visit and consult with the proper authorities of the state of Minnesota, with a view to securing the co-operation and suitable legislation in the states of Minnesota and North Dakota to provide for a representative of the state of North Dakota to confer with and assist the inspector of grains in Minnesota in fixing proper grades upon grains grown in North Dakota, and shipped to Minnesota terminals.

Mr. Dunlap moved

To amend the resolution by including "the state of Wisconsin."

Which motion prevailed and

The amendment was adopted.

Mr. Dunlap moved

That the resolution as amended be concurred in.

Which motion prevailed, and

The resolution was concurred in.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

January 20, 1899.

Mr. President:

I have the honor to inform the senate that the house is in session and ready to receive the senate in joint session to ballot for a United States senator.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Arnold moved

That the senate meet with the house in joint session to ballot for United States senator.

Which motion prevailed.

The senate reassembled.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

January 20, 1899.

Mr. President:

I have the honor to report that the house has concurred in the

senate resolution providing for a recess until Thursday, Jan. 26, 1899.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Sanborn moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,

Secretary.

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## TWENTY-FOURTH DAY.

SENATE CHAMBER,

BISMARCK, NORTH DAKOTA,

January 26, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cooper, Cronan, Creel, Fuller of Stutsman, Hegge, Laidlaw, LaMoure, Mansfield, Marshall, McDougal, Murphy, Noble, Porter, Sanborn and Twichell.

Mr. McCarten moved

That all the absentees be excused,

Which motion prevailed.

The courtesies of the floor were extended to Messrs. Larimore and Grant S. Hager.

O. B. Halton was appointed clerk on the enrolling and engrossing force January 18, 1899.

Mr. Arnold moved that 300 extra copies of

Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and to provide means for the enforcement of the provisions of said chapter 63.

Be printed, which motion prevailed.

#### INTRODUCTION OF SENATE BILLS.

Mr. Luke introduced

Senate bill No. 58,

A bill for an act entitled, "An act providing for the nomination by primary election of candidates of the different political parties for all county, legislative and city elections, and providing for the primary election of delegates to the nominating conventions of the different political parties for all general and state and federal elections; and generally to promote the purity of primary elections, regulating the conduct thereof, prohibiting certain acts and practices in relation thereto, and prescribing a punishment therefor."

Mr. Arnold introduced

Senate bill No. 59,

A bill for an act making an annual appropriation for the maintenance of the state university.

Mr. Arnold introduced

Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and to provide means for the enforcement of the provisions of said chapter 63.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 58,

A bill for an act entitled, "An act providing for the nomination by primary election of candidates of the different political parties

for all county, legislative and city elections, and providing for the primary election of delegates to the nominating conventions of the different political parties for all general and state and federal elections; and generally to promote the purity of primary elections, regulating the conduct thereof, prohibiting certain acts and practices in relation thereto, and prescribing a punishment therefor."

Was read the first and second times, and

Referred to the committee on elections.

Senate bill No. 59,

A bill for an act making an annual appropriation for the maintenance of the state university.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and to provide means for the enforcement of the provisions of said chapter 63.

Was read the first and second times, and

Referred to the committee on temperance.

Mr. McCarten moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.



## TWENTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 27, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cooper, Creel, Marshall, McDougal and Murphy, who were excused.

The Journal of the eighteenth day was read and approved.

The Journal of the twenty-fourth day was read.

The president appointed the following committee on correction and revision of the Journal of the twenty-fourth day: Messrs. Arnold, Laidlaw and McCanna.

Mr. Little moved

That 50 extra copies of all senate bills be printed,

Which motion prevailed.

Mr. McCanna moved

That in the Journal of the eighteenth day the following corrections be made:

On page 4, line 26, the word "educational" be stricken out and in lieu thereof, insert the word "state."

Also,

On page 4, line 30, the word "educational" be stricken out and in lieu thereof insert the word "state,"

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 27, 1899.

Mr. President:

I have the honor to transmit herewith

## CONCURRENT RESOLUTION.

Whereas, It has been determined by the government of the United States, that it participate in the exposition to be given at Paris, in the year nineteen hundred, and

Whereas, There is now pending before the Congress of the United States, an appropriation bill for the payment of the expenses of such exhibit to be made at said exposition, and

Whereas, The people of North Dakota are interested in the success of the exhibit to be made by this government, and of the different states,

Therefore, Be it Resolved by the Members of the House of Representatives, the Senate Concurring Herein;

That the Hons. Henry C. Hansbrough and William N. Roach, United States Senators, and Martin N. Johnson, Member of the House, of Representatives, be respectfully requested to use their best endeavors to have said appropriation so increased as to give sufficient and ample fund to make a creditable exhibit by the government of the United States.

Which the house has passed and your concurrence therein is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

## INTRODUCTION OF SENATE BILLS.

Mr. Laidlaw introduced

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Mr. Noble introduced

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Mr. Laidlaw introduced

Senate bill No. 63,

A bill for an act to amend section 6636 of the Revised Codes of North Dakota of 1895 with reference to surety for costs in justice cases.

Also,

Senate bill No. 64,

A bill for an act to amend section 6716 of the Revised Codes of North Dakota of 1895 relating to statutory costs in justice court actions.

The Judiciary Committee introduced

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of

the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Mr. Little introduced

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Was read the first and second times, and

Referred to the committee on public health.

Senate bill No. 63,

A bill for an act to amend section 6636 of the Revised Codes of North Dakota of 1895 with reference to surety for costs in justice cases.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 64,

A bill for an act to amend section 6716 of the Revised Codes of North Dakota of 1895 relating to statutory costs in justice court actions.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of

1895, relating to the sale of personal property under execution.

Was read the first and second times, and

Referred to the committee on judiciary.

The secretary announced that the president was about to sign Senate bill No. 14,

To prevent the overflow and improve navigation of the Red river

Mr. Hanna moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

L. K. ESTABROOK,  
Acting Secretary.

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## TWENTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 28, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Creel, Marshall, Sanborn, Murphy and McDougal.

The Journal of the twenty fifth day was read and approved.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 28, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

### REPORT OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

That in section 162 thereof be added "municipal bonds" after the words, boards of the state of North Dakota,"

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Have had the same under consideration and recommend that the same be amended as follows:

That the word "three," in line six, be changed to "two,"

And when so amended recommend that the same do pass.

WESLEY BAKER,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.



Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred

Senate bill No. 17,

A bill for an act amending section 1, chapter 37, laws of 1897, relating to bounty on certain stock destroying animals.

Have had the same under consideration and recommend that the same do not pass.

WESLEY BAKER,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Have had the same under consideration and recommend that the same be amended as follows:

That in line 2 of section 1, the word "three" be inserted in lieu of the word "five," before the word dollars.

And when so amended recommend that the same do pass.

Also,

Senate bill No. 37,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,

Chairman.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your special committee appointed to revise and correct the Journal of the twenty-fourth day, have had the same under consideration and recommend that

On page 1 of the printed bill, line 11, that "Larimore" be changed to "LaMoure."

On page 1 of the printed bill, line 13, that "Halton" be changed to "Holton."

On page 2, after the 37th line of the printed bill, the following be inserted: "Mr. Arnold moved that senate bills numbered 58, 59 and 60, be given their first and second reading and reference,"

Which motion prevailed.

And when so corrected your committee recommend that said Journal be approved.

Very respectfully,

H. F. ARNOLD, Chairman.

D. W. McCANNA,

W. A. LAIDLAW.

Mr. Arnold moved

The adoption of the report,

Which motion prevailed.

Mr. LaMoure moved

That all the vouchers pertaining to Senate bill No. 53 be printed for use of the members so that they could vote on said bill intelligently,

Which motion prevailed.

Mr. LaMoure moved

That the secretary of the senate obtain from the secretary of state the report of the game warden for the use of the senate,

Which motion prevailed.

Mr. Hanna offered the following concurrent resolution, and moved its adoption.

### CONCURRENT RESOLUTION.

Be it resolved by the senate, the house concurring, that a committee of six, three from the senate and three from the house be appointed, to whom shall be referred the numerous amendments to the game laws, which have been and may hereafter be introduced with a view of consolidating them into one

Which motion prevailed.

The following resolution was offered by Mr. Porter:

Be it resolved by the senate that in absence of the secretary of the senate, the assistant secretary is hereby empowered to sign all bills and resolutions,

Mr. Porter moved

The adoption of the resolution,

Which motion prevailed.

### INTRODUCTION OF SENATE BILLS.

Mr. Dunlap introduced

Senate bill No. 67,

A bill for an act to amend section 1648 of the Revised Codes of North Dakota relating to the disposition of hunting permit fees.

Mr. Noble introduced

Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Mr. Cashel introduced

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

### CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Cashel moved

That the concurrent resolution relating to the United States participating in the exposition to be given in Paris in 1900, be concurred in,

Which motion prevailed.

### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 67.

A bill for an act to amend section 1648 of the Revised Codes of North Dakota relating to the disposition of hunting permit fees.

Was read the first and second times, and  
Referred to the joint committee on game.

Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Was read the first and second times, and  
Referred to the committee on ways and means.

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Was read the first and second times, and  
Referred to the committee on judiciary.

The president appointed Messrs. Hanna, Porter and Cox committee on game.

The courtesies of the floor were extended to J. H. Rheim, Taylor Crum, George Riggin and Dr. Campbell.

### THIRD READING OF SENATE BILLS.

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Creel,  
Levang.

Messrs—

Marshall,  
McDougal,

Messrs—

Murphy,  
Sanborn,

Mr. Dunlap voting in the negative.

So the bill passed and the title was agreed to.

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCanna,
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	McGillivray,
Cashel,	Laidlaw,	Noble,
Cooper,	Levang,	Porter,
Cox,	Little,	Sharpe,
Cronan,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.
Fuller, Pembina		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	Marshall,	Murphy,
LaMoire,	McDougal,	Sanborn,

So the bill passed and the title was agreed to.

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCanna,
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	McGillivray,
Cashel,	Laidlaw,	Noble,
Cooper,	LaMoire,	Porter,
Cox,	Little,	Sharpe,
Cronan,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.
Fuller, Pembina		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	Marshall,	Murphy,
Levang,	McDougal,	Sanborn,

So the bill passed and the title was agreed to.

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Was read the third time.



The question being upon the final passage of the bill.

The roll was called and there were ayes 20, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Hegge,  
Little,  
Luke,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Arnold,  
Creel,  
Fuller, Stutsman,  
Laidlaw,

Messrs—

LaMoure,  
Levang,  
Marshall,  
McDougal,

Messrs—

Murphy,  
Sanborn,  
Twichell.

So the bill passed and the title was agreed to.

Mr. Dunlap moved

That if there were no objections,

Senate bill No. 17,

A bill for an act amending section 1, chapter 37, laws of 1897, relating to bounty on certain stock destroying animals.

Be withdrawn,

Which motion prevailed.

Mr. McCarten moved

That all reports of state officers and state institutions be placed in the committee rooms,

i Which motion prevailed.

Mr. Cox moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

L. K. ESTABROOK,  
Acting Secretary.

## TWENTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 30, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Marshall, McDougal, Murphy and Cox; Messrs. Murphy and Cox being excused.

The Journal of the twenty-sixth day was read and approved.

### PRESENTATION OF PETITIONS.

Mr. Noble presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota:

We, the undersigned, residents and taxpayers of the county of Benson, N. D., do hereby most respectfully and earnestly petition your honorable body to enact a law providing for terms of the supreme court to be held once annually at the city of Bismarck in the county of Burleigh, at the city of Fargo in the county of Cass, and at the city of Grand Forks in the county of Grand Forks. Litigation in the Second judicial district is increasing, and many cases are appealed to the supreme court, and the expense of attending at Bismarck, where the present sessions are held, is very burdensome to litigants residing in this locality.

Respectfully submitted,

O. D. COMSTOCK,  
(and 22 others.)

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the

laws of 1897, providing a bounty on certain stock-destroying animals.

Also,

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Also,

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Have had the same under consideration and recommend that the same be amended as follows:

That in line 2 of section 1 the word "three" be inserted in place of "five" before the word "dollars."

And when so amended recommend that the same do pass.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

Have had the same under consideration and recommend that the same be amended as follows:

By inserting the words "two times" after the word "circulation" in line 10 of section 1 thereof.

By making section 2 thereof section 3.

And by adding section 2, to read as follows:

Sec. 2. That fees for publication herein provided for shall be computed in accordance with the law, or laws, fixing the rates for legal publications, but shall in no case exceed five dollars.

And when so amended recommend that the same do pass.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Have had the same under consideration and recommend that the same be amended as follows:

That the word "and" be inserted in line 4 of section 1 thereof, after the word "solicitors," in lieu of the word "ad."

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

Mr. LaMoure moved

That the secretary of the senate obtain from the governor a report of the game warden for the use of the senate,

Which motion prevailed.

Mr. Sharpe offered the following

#### CONCURRENT RESOLUTION.

Resolved, That in the death of Governor Frank A. Briggs the state lost a safe executive and a patriotic citizen, loyal to his state and people.

Resolved, That Saturday, February 11th, beginning at 2 o'clock p. m., be set apart for appropriate eulogies to his memory, and that the senate and house meet in joint assembly at that time.

Resolved, That, as an additional mark of respect, the senate and house shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the senate communicate these resolutions to the house.

Mr. Sharpe moved

The adoption of the resolution,

Which motion prevailed.

#### INTRODUCTION OF SENATE BILLS.

Mr. Fuller, of Pembina, introduced

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Mr. Sanborn introduced

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to

the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Consideration of message from the house.

The secretary announced that the president was about to sign:

### CONCURRENT RESOLUTION.

Whereas, It appears from the report of the warden of the state penitentiary that there is lack of employment for the inmates of that institution, resulting in a financial disadvantage to the state and tending to produce unfavorable mental and physical conditions among the inmates;

And, Whereas, It also appears that in the year 1891, a "Twine and Cordage Plant" was built and in the following year started in operation at the Minnesota state penitentiary located at Stillwater in that state; that the said plant has been operated since that time with such success that the institution is now self-supporting, and during the last year the earnings of the inmates exceeded the expense (per capita) of keeping each of them, by the sum of \$114.62, while in the year 1891, the year before the "Twine Plant" was put in operation, the excess of the expense over the earnings was \$145.63 per capita; therefore,

Resolved by the House of Representatives, the Senate concurring, That a committee, consisting of three members from the House of Representatives, to be appointed by the speaker, and two members from the Senate, to be appointed by the president of the Senate, be appointed to investigate the matters above referred to; to visit the said Minnesota state penitentiary for that purpose, if it shall seem advisable to them to do so, and report with all convenient speed to this legislature such recommendations on the subject as to them may seem wise.

Also,

### CONCURRENT RESOLUTION

Of the House of Representatives and Senate of the State of North Dakota to the Congress of the United States, Praying for the Establishment of a National Lazaretto for the Care and Maintenance of Citizens of the United States Afflicted with Leprosy.

To the Honorable the Congress of the United States:

Whereas, There are now residing in this state a few citizens of the United States afflicted with that most loathsome disease, leprosy; and

Whereas, Owing to the contagious and incurable nature of the disease which baffles the skill of medical science, and endangers the safety of the public; and

Whereas, The care, cure and maintenance of these unfortunate people by the local authorities of the state, is impracticable and dangerous; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That your honorable body be requested and urged to take prompt action in establishing and maintaining a national Lazaretto for the cure and treatment of citizens of the United States afflicted with leprosy;

Resolved, further, That engrossed copies of the memorial, duly signed by the speaker of the house and president of the senate and countersigned by the chief clerk of the house and secretary of the senate, be sent to each of our representatives in congress, the Honorables Henry C. Hansbrough and William N. Roach, members of the United States Senate, and Martin N. Johnson, member of the House of Representatives.



## FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Was read the first and second times, and

Referred to the committee on banks and banking.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 30, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457, and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Which the house has passed and your favorable consideration thereof is respectfully requested.

J. G. HAMILTON,  
Chief Clerk.

Senate bill No. 9,

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Was read the third time.

Mr. McCarten moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCanna,
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	Noble,
Cashel,	Laidlaw,	Porter,
Cooper,	Levang,	Sanborn,
Creel,	Little,	Sharpe,
Dunlap,	Luke,	Slotten,
Fuller, Pembina	Mansfield,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Cox,	Marshall,	Murphy,
Cronan,	McDougal,	
LaMoure,	McGillivray,	

So the bill passed and the title was agreed to.

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Was read the third time.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none; absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCanna,
Baker,	Hanna,	McDougal,
Cashel,	Hegge,	Noble,
Cooper,	Laidlaw,	Porter,
Cronan,	Levang,	Sanborn,
Creel,	Little,	Sharpe,
Dunlap,	Luke,	Slotten,
Fuller, Pembina	Mansfield,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Marshall,	McGillivray,
Cox,	McCarten,	Murphy,
LaMoure,		

So the bill passed and the title was agreed to.

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll being called there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCanna,
Baker,	Hanna,	McDougal,
Cashel,	Hegge,	Noble,
Cooper,	Laidlaw,	Porter,
Cronan,	Levang,	Sanborn,
Creel,	Little,	Sharpe,
Dunlap,	Luke,	Slotten,
Fuller, Pembina	Mansfield,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Marshall,	McGillivray,
Cox,	McCarten,	Murphy,
LaMoure,		

So the bill passed and the title was agreed to.

Mr. Noble moved that

Senate bill No. 37,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void.

Be recommitted,

Which motion prevailed.

Mr. Mansfield moved that

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on stock.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed and

The senate adjourned.

L. K. ESTABROOK,  
Acting Secretary.

## TWENTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
January 31, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The President presiding.

Prayer by the chaplain.

Roll called.

All members present, excepting Messrs. Murphy and Marshall, who were excused.

Mr. Creel moved

That the reading of the journal be dispensed with and a committee be appointed to correct and revise the same.

The president appointed as such committee, Messrs. Fuller of Pembina, Hegge and Luke.

The secretary announced that the president was about to sign

## CONCURRENT RESOLUTION.

Whereas, It has been determined by the Government of the United States that it participate in the exposition to be given at Paris in the year nineteen hundred, and

Whereas, There is now pending before the Congress of the United States an appropriation bill for the payment of the expenses of such exhibit to be made at said exposition, and

Whereas, The people of North Dakota are interested in the success of the exhibit to be made by this government, and of the different states,

Therefore, Be it Resolved by the Members of the House of Representatives, the Senate Concurring herein;

That the Hons. Henry C. Hansbrough and William N. Roach, United States Senators and Martin N. Johnson, Member of the House of Representatives, be respectfully requested to use their best endeavors to have said appropriation so increased as to give sufficient and ample funds to make a creditable exhibit by the Government of the United States.

Mr. Noble presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota :

We, the undersigned, residents and taxpayers of the county of Ward, N. D., do hereby respectfully and earnestly petition your honorable body to enact a law providing for terms of the supreme court to be held once annually at the city of Bismarck in the county of Burleigh, at the city of Fargo in the county of Cass, and at the city of Grand Forks in the county

of Grand Forks. Litigation in the Second judicial district is increasing, and many cases are appealed to the supreme court, and the expense of attending at Bismarck, where the present sessions are held, is very burdensome to litigants residing in this locality,

Respectfully submitted,

JOHN LYNCH,  
(and 18 others.)

Mr. Hanna presented the following petition:

To Hon. L. B. Hanna and the Other Members of the Senate of North Dakota:

We, the undersigned, citizens of the village of Davenport, county of Cass, state of North Dakota, do hereby protest against the passage of house bill No. 46, the drain law.

J. N. OTTUM,  
(and 70 others,)

Mr. Cashel presented the following petitions:

To Hon. J. L. Cashel:

We, the undersigned, citizens and freeholders of Walsh county, North Dakota, urgently petition you to use your influence for the enactment of a bill looking to the protection by the state of the farmers against loss by hail.

W. H. KEENAN,  
(and 40 others.)

Also,

To Hon. J. L. Cashel:

We, the undersigned, citizens and freeholders of Walsh county, North Dakota, urgently petition you to use your influence for the enactment of a bill looking to the protection by the state of the farmers against loss by hail.

ALEX THOMSON,  
(and 92 others.)

Also,

To Hon. J. L. Cashel:

We, the undersigned, citizens and freeholders of Walsh county, North Dakota, urgently petition you to use your influence for the enactment of a bill looking to the protection by the state of the farmers against loss by hail.

JAKOB CHROMY,  
(and 15 others.)

Also,

To Hon. J. L. Cashel:

Sir: The undersigned, all residents of Minto, N. D., and registered pharmacists, do most urgently request that you do all in your power to defeat senate bill No. 16.

Very respectfully,

JOHN A. TRAINOR,  
(and 4 others.)

Referred to the committee on temperance.



## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Also,

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on insurance made the following report:

Mr. President:

We, the committee on insurance have had under consideration Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

And recommend that the same do pass.

O. I. HEGGE,  
Chairman.

Mr. Hegge moved

The adoption of the report,

Which motion prevailed.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Have had the same under consideration and recommend that the same do pass.

W. E. MANSFIELD,  
Chairman.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
January 31, 1899.

Mr. President:

I have the honor to transmit herewith

### CONCURRENT RESOLUTION

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate concurring:

That the senators and representatives of the state of North Dakota, in the national congress be requested to favor and assist in securing a fair and liberal service pension to every union soldier veteran of the civil war, not already a pensioner, regardless of any disability accruing from said service or since, whenever said soldier shall have arrived at the age of sixty-two years.

Which the senate has passed and your concurrence therein is respectfully requested.

Also,

### CONCURRENT RESOLUTION.

Be it Resolved by the Senate of the State of North Dakota, the House Concurring:

That the secretary of state is requested to prepare for the use of the state officers and members of the legislative assembly, a legislative manual embodying therein a list of the state officers, members of the senate and house, officers of the respective bodies, the committees thereof, the rules of the respective bodies, the constitution of the state, and such other information as may be necessary and useful for the state officers and members of the legislative assembly.

Also,

### CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives concurring:  
To the Honorable, the Congress of the United States of America,

Whereas, There appears to be a dissatisfaction among the Sioux Indians on the Fort Totten reservation, growing out of alleged grievances,

Therefore, Be It Resolved, That the congress of the United States be asked to appoint a commission, to confer with said Indians regarding said grievances.

Resolved, That said commission when appointed be directed and instructed to proceed with said conference at as early date as possible, and report to congress, and

Resolved, That the secretary of state is hereby instructed to forthwith transmit this memorial to congress and to send copies hereof to the secretary of the interior, commissioner of Indian affairs and to the senators and representatives of the state of North Dakota.

Both of which concurrent resolutions the house have concurred in

Also,

I have the honor to transmit herewith

### CONCURRENT RESOLUTION.

Be it resolved by the senate, the house concurring, that a committee of six, three from the senate and three from the house be appointed, to whom shall be referred the numerous amendments to the game laws, which have been and may hereafter be introduced with a view of consolidating them into one,

Which the house has concurred in, and the speaker has appointed as such committee, from the house, Messrs. Kennedy. Allshouse and Bacon.

J. G. HAMILTON,

Chief Clerk.

Report of joint committee appointed to investigate and report on the advisability of establishing a binding twine plant to be located at the state penitentiary, under concurrent resolution hereto annexed:

Whereas, It appears from the report of the warden of the state penitentiary that there is lack of employment for the inmates of that institution, resulting in a financial disadvantage to the state and tending to produce unfavorable mental and physical conditions among the inmates;

And, Whereas, It also appears that in the year 1891, a "Twine and Cordage Plant" was built and in the following year started in operation at the Minnesota state penitentiary located at Stillwater in that state; that the said plant has been operated since that time with such success that the institution is now self-supporting, and during the last year the earnings of the inmates exceeded the expense (per capita) of keeping each of them, by the sum of \$114.62, while in the year 1891, the year before the "Twine Plant" was put in operation, the excess of the expense over the earnings was \$145.63 per capita; therefore,

Resolved by the House of Representatives, the Senate concurring, That a committee, consisting of three members from the House of Representatives, to be appointed by the speaker, and two members from the Senate, to be appointed by the president of the Senate, be appointed to investigate the matters above referred to; to visit the said Minnesota state penitentiary for that purpose, if it shall seem advisable to them to do so, and report with all convenient speed to this legislature such recommendations on the subject as to them may seem wise.

To the President of the Senate and the Speaker of the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota:

GENTLEMEN: The joint committee of the house and senate appointed to investigate the question of lack of employment for the inmates of uor

state penitentiary and the disadvantages to them as well as to the state resulting therefrom, and in doing so to visit, if deemed wise, the "twine plant" located at the Minnesota state penitentiary to secure information as to its cost and work, respectfully report as follows, viz: That we are fully satisfied from the reports of the management of our state penitentiary, and from interviews with the warden and members of the board of trustees of said penitentiary that it is impossible under present conditions to provide all of the inmates of that institution with employment, and that during the cold season one-half or more of them are supported by the state in idleness, and that a very considerable part of the labor which is performed by them is productive of little or no revenue to the state; that this condition of affairs is greatly to the financial detriment of the state, and at the same time in the nature of inhumane treatment of the inmates of the penitentiary, and constitutes an evil which should be remedied without delay; that we have visited the penitentiary at Stillwater, Minnesota, and made an investigation of the "binder twine plant" being operated in connection with that institution, and were accompanied by N. F. Boucher, warden, and C. R. Meredith, a member of the board of trustees of the North Dakota penitentiary, who gave the committee valuable information in reference to the conditions and needs at said penitentiary, and assisted materially in securing the information sought by this committee. Warden Henry Wolfer and the board of management of the Minnesota state penitentiary received our committee with marked cordiality, and spared no pains to inform the committee of every detail connected with their experience in the manufacture of binder twine.

Our investigation discloses that the facts in relation to the establishment and operation of the "twine plant" at the Minnesota state penitentiary, stated briefly and without attempting to give details, are as follows:

The legislature of the state of Minnesota at its session of the year 1891, in answer to and for the purpose of satisfying a strong popular demand therefor, enacted a law authorizing the management of the Minnesota state penitentiary to establish at the said institution a "twine and cordage plant," and to operate the same on the "state's account" plan, with the then surplus labor available thereat, and made an appropriation of \$150,000 to enable said management to carry into effect the provisions of the law.

The object of this plan and the law which was enacted to carry it into effect, we are led by circumstances to judge, was threefold:

First. An humane desire to provide for the inmates of its penitentiary employment of a character conducive to health and that would tend to produce in them better physical and mental conditions.

Second. To relieve the taxpayers of the state of an unnecessary burden by providing the inmates of the penitentiary with employment so remunerative as to make the institution self-supporting; and

Third. Incidentally to the foregoing to protect the consumers of the product of the "twine plant" in the state from trusts and exorbitant profits to dealers, by selling to them such product at fair and reasonable rates.

The "twine plant" was established under the provisions of the law referred to, and was originally fitted with machinery for manufacturing twine from flax, and was so operated for about three (3) years; this proved a failure for the reason that there was no demand for that kind of twine at prices such that it could be manufactured and disposed of without a loss; this led to a complete change of base, and in 1894 the machinery which was put in in 1891 was torn out and discarded and replaced by the then latest and most improved machinery for manufacturing hard fibre twine, and since that time the product of the plant has been entirely of the hard fibre varieties, viz: Manilla, sisal, standard or mixed; the twine now manufactured is fully up to the grade of the best manufactories



in the country. (Samples of same can be seen by calling on Representative Sargent, chairman of this committee).

The capacity of the plant as originally constructed was 10,000 pounds per day, but it has since been doubled; it runs every day in the year except Sundays and holidays; the management of the institution are now arranging to further increase the capacity of the plant so that its product will be 30,000 pounds per day, or more than 9,000,000 pounds per year, which is more than one-half of the amount of twine used in the state of Minnesota in an average crop year; the system of disposing of the twine produced has been as follows: At the May meeting of the board of managers of the penitentiary a price is fixed for the season which is based on the cost of the twine, and no change is made in this price during the season; orders for twine are booked as early as the month of January; farmers or farmers' clubs can order in carload lots and get the benefit of a slightly reduced price (generally about one-half cent per pound), and notes due November 1, which are approved by the management, are accepted in payment for the twine; small orders must be paid for on delivery; since the machinery for manufacturing hard fibre twine was put in very little trouble has been experienced in disposing of the product of the plant.

In 1898 the price of the twine was fixed May 12, and carload orders were not accepted after May 14, and all orders were refused on and after June 18, by reason of the fact that all the product of the plant which was on hand and which would be produced up to July 20, was sold; prior to the season of 1898 only about 5 per cent of the product of the plant was sold direct to farmers; in the season of 1898 about 20 per cent of the product was sold to farmers in lots under a carload, and about 20 per cent more of the same was sold to farmers or farmers' clubs in carload lots.

The operation of the "twine plant" at the Minnesota state penitentiary has been successful from a financial point of view, and the records of the institution show the net profits of the same for the two (2) years from August 1, 1896, to August 1, 1898, to have been \$132,889.68, and from the representations and opinions of those connected with the management of the institution it appears to us that the operation of the plant is destined to be even more successful in the future than it has in the past.

We found the condition of the inmates of the Minnesota penitentiary as to health and in all other respects to be good.

We found that the institution is on a self-supporting basis, by reason of the increased revenues of the "twine plant industry."

We believe that the consumers of twine in the state of Minnesota have been greatly benefited by the establishment and operation of the "twine plant" at the penitentiary in that state, by the reduction in the prices of twine which has been caused thereby, and we therefore conclude that the threefold object of the law enacted in the state of Minnesota has been fully attained.

We further conclude that, benefiting by the mistakes and guided by the experience of our Minnesota neighbors, we would be able to achieve even a greater degree of success in establishing and operating on the "state account" plan a twine plant in our own state.

Basing our opinion on information received from Warden Henry Wolfer and members of the board of managers of the Minnesota state penitentiary, we submit the following as our estimates of the cost of installing and operating a "binder twine plant" at the North Dakota penitentiary, with a capacity of producing 10,000 pounds of twine per day, or about 3,000,000 pounds per year, viz:

For machinery and power plant..... \$ 25,000 00  
 (We think, however, that it would be wise to put in at the outset a power plant costing \$4,000 to \$5,000 more, to be prepared to increase the capacity of the plant, if desired, without putting in additional power.)



## Buildings—

Factory about 75 x 100 feet, which should have its windows grated and be fitted with closets, etc., with fixtures for heating, lighting, plumbing, etc., and a warehouse about 75 x 100 feet.....	20,000 00
Incidentals .....	5,000 00
Stock and cost of operation .....	100,000 00
Total.....	\$ 150,000 00

In operating a plant such as above described, two men would be needed in addition to the prison labor, one at say \$125 per month and one at \$75 per month; the stock used in the manufacture of the twine would come by way of Duluth and would cost a trifle more, say one-fourth cent per pound, than at the Minnesota penitentiary; fuel would be cheaper at our own institution than at the Minnesota plant. We are not able at this time to give exact figures on freight rates of the product of the plant, but we believe that it will not be a difficult matter to arrange so that they will be reasonable.

## IN CONCLUSION.

We heartily recommend and earnestly urge that a law be enacted by this legislature making appropriations as above estimated, and authorizing and empowering the management of the state penitentiary to establish and operate a "binder twine plant" such as hereinbefore described, and a bill will be introduced by this committee covering the recommendations herein contained.

We desire to express our thanks for the kind and courteous treatment accorded to your committee by Warden Wolfer and Managers O'Brien, Dunn and Temple of the Minnesota state penitentiary.

All of which is respectfully submitted.

Dated this 30th day of January, A. D. 1899.

E. C. SARGENT,  
JOSEPH HARE,  
J. D. BACON,  
T. TWICHELL,  
W. E. MANSFIELD.

Mr. Little moved

The report be adopted and printed in the journal,  
Which motion prevailed.

Mr. Arnold moved

That pending the absence of Senator Murphy, of Grand Forks, from sickness, that his place on the several committees be filled by Senator Luke, also of Grand Forks,

Which motion prevailed.

Mr. LaMoure moved

That Mr. Murphy be excused during his absence through sickness,

Which motion prevailed.

The courtesies of the floor were extended to W. F. Marvin, P. C. Crenshaw, F. W. Pearson, S. B. Cleary, F. B. Morrill, E. E. Cole, Jas. Kennedy, J. F. Treat.

## INTRODUCTION OF SENATE BILLS.

Mr. Sanborn introduced

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Mr. Creel introduced

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Mr. Laidlaw introduced

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Mr. McDougal introduced

Senate bill No. 75,

A bill for an act authorizing counties, cities and other municipal corporations to pay obligations for carrying on the usual business of such counties, cities and other municipal corporations during any period when their debts exceed the constituted limitations.

Mr. Hegge introduced

Senate bill No. 76,

A bill for an act to require fire, lightning or tornado insurance agents within the state, to pay license fees.

Mr. Cashel introduced

Senate bill No. 77,

A bill for an act concerning land titles, known as the Torrens law.

Mr. Hanna introduced

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Mr. McGillivray introduced

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Was read the first time.

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Was read the first time.

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Was read the first time.

Senate bill No. 75,

A bill for an act authorizing counties, cities and other municipal corporations to pay obligations for carrying on the usual business of such counties, cities and other municipal corporations during any period when their debts exceed the constituted limitations.

Was read the first time.

Senate bill No. 76,

A bill for an act to require fire, lightning or tornado insurance agents within the state, to pay license fees.

Was read the first time.

Senate bill No. 77,

A bill for an act concerning land titles, known as the Torrens law.

Was read the first time.

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Was read the first time.

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Was read the first time.

### THIRD READING OF SENATE BILLS.

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, ahsen and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
LaMoure,  
Levang,  
Little,  
Lûke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Laidlaw,

Messrs—

Marshall,  
McCanna,

Messrs—

McGillivray,  
Murphy,

So the bill passed and the title was agreed to.

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCarten,
Baker,	Hanna,	McDougal,
Cashel,	Hegge,	McGillivray,
Cooper,	Laidlaw,	Noble,
Cox,	LaMoure,	Porter,
Cronan,	Levang,	Sanborn,
Creel,	Little,	Sharpe,
Dunlap,	Luke,	Slotten,
Fuller, Pembina	Mansfield,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McCanna,	Murphy,
Marshall,		

So the bill passed and the title was agreed to.

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCarten,
Arnold,	Hanna,	McDougal,
Baker,	Hegge,	McGillivray,
Cashel,	Laidlaw,	Noble,
Cooper,	LaMoure,	Porter,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.
Fuller, Pembina	McCanna,	

Absent and not voting:

Messrs—	Messrs—
Marshall,	Murphy,

So the bill passed and the title was agreed to.

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

Was read the third time.



Mr. Little moved that  
Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of  
1895, relating to the sale of personal property under execution.

Be amended as follows :

In line 21 of the written bill insert between the words "time" and "for"  
the words "once in each week."

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 27, nays none, absent  
and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,

Messrs—

Mansfield,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Marshall,  
McCanna,

Messrs—

Murphy,

Messrs—

Twichell.

So the bill passed and the title was agreed to.

#### FIRST READING OF HOUSE BILLS.

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453,  
1454, 1457 and 1466 of the revised codes, relating to the establish-  
ment, construction and maintenance of drains.

Was read the first time.

Robert Thompson was changed from doorkeeper to the enroll-  
ing and engrossing force.

Mr. McGillivray moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## THIRTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 1, 1899..

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Ames, Marshall, Murphy and McCanna, who were excused.

Mr. Creel moved

That the reading of the Journal be dispensed with and a committee be appointed to correct and revise the Journal,

Which motion prevailed.

The president appointed Messrs. Luke, Sanborn and Noble as the committee to correct and revise the Journal of the twenty-ninth day.

Mr. Hanna presented the following petition :

The Hon. L. B. Hanna, Senator, and the Honorable Representatives of the Eleventh District :

DEAR SIRs: We, the undersigned, respectfully and urgently request that you use all honorable means to defeat House bill No. 46, amending the drainage law, feeling that such a measure will be very detrimental to our community.

J. D. TRAMMELL,  
(And 17 others.)

Referred to the committee on judiciary.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 1, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Also,

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully,

J. G. HAMILTON,  
Chief Clerk.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 1, 1899.

Complying with the request of a resolution passed by your honorable body, I herewith transmit the annual report of the game warden of this state for the year 1898, and beg leave to inform you that no report for the year 1897 is on file in this department.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,  
Governor.

Mr. LaMoure moved

That the report of the game warden for 1898 be printed in the Journal.

Which motion prevailed.

To the Governor of the state of North Dakota:

I herewith respectfully submit my report of fees for the season of 1898:

Licenses Issued for 1898

County	Resident	Non-Resid't	Deputy Warden	State Game Warden
Barnes .....	263	2	\$ 164 84	\$ 82 41
Benson .....	140	24	470 00	235 00
Billings .....	30	1	31 67	15 83
Bottineau .....	90	.....	45 00	22 50
Burleigh .....	88	1	60 67	30 33
Cass .....	668	8	467 44	233 66
Cavalier .....	165	.....	82 50	41 25
Dickey .....	76	.....	40 00	20 00
Eddy .....	114	2	90 34	45 16
Emmons .....	24	.....	12 00	6 00
Foster .....	167	12	283 50	141 75
Grand Forks .....	435	.....	217 00	108 50
Griggs .....	70	2	68 34	34 16
Kidder .....	50	40	691 67	345 83
LaMoure .....	112	.....	56 00	28 00
Logan .....	16	.....	8 00	4 00
McHenry .....	93	.....	46 50	22 50
McIntosh .....	16	.....	8 00	4 00
McLean .....	112	.....	56 50	28 25
Morton .....	105	.....	52 50	26 25
Mercer .....	.....	.....	.....	.....
Nelson .....	181	14	323 84	161 91
Oliver .....	7	.....	3 50	1 75
Pembina .....	214	.....	107 00	53 50
Pierce .....	49	.....	24 50	12 25
Ramsey .....	356	.....	361 34	180 66
Ransom .....	140	.....	70 00	35 00
Richland .....	249	.....	191 17	95 58
Rolette .....	100	3	100 00	50 00
Sargent .....	61	.....	30 50	15 25
Stark .....	70	.....	35 00	17 50
Steele .....	164	1	98 67	49 33
Stutsman .....	233	9	266 50	133 25
Towner .....	128	.....	64 00	32 00
Traill .....	193	.....	96 50	48 50
Walsh .....	229	1	131 17	65 58
Ward .....	46	.....	23 00	11 50
Wells .....	91	.....	45 50	27 50
Williams .....	124	.....	62 00	31 00
Total .....	5,469	131	\$ 4,931 34	\$ 2,465 66

GEO. E. BOWERS,  
State Game Warden.

## REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Have had the same under consideration and recommend that the same do pass.

T. TWICHELL,  
Chairman.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred  
Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out section 3,

And when so amended recommend that the same do pass.

R. McCARTEN,  
Chairman.

Mr. Little moved

The adoption of the report,  
Which motion prevailed.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred



House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

WESLEY BAKER,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Have had the same under consideration and recommend that the same do pass.

T. TWICHELL,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Also,

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

And find the same correctly engrossed.

Also,

A concurrent resolution relating to the appointment of a commission to confer with Sioux Indians.

Also,

A concurrent resolution relating to the game laws.

Also,

A concurrent resolution relating to the legislative manual.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee appointed to correct the Journal of the twenty-eighth day report the following corrections:

On page 2 strike out committee report as to senate bill No. 9.

On page 3 strike out committee report as to senate bill No. 10.

On page 6 insert after line 25:

Mr. McCarten moved

That the report of the committee as to  
Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Be adopted,

Which motion prevailed, and

The report of the committee was adopted.

And when so corrected we recommend the approval of the Journal of the twenty-eighth day.

J. Z. FULLER,  
O. I. HEGGE,  
D. W. LUKE.

Mr. Arnold moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

Mr. Creel moved that

Senate bill No. 73,

A joint memorial of the senate and house of representatives of

the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Be referred to committee of the whole at 2:30 p. m. Thursday,  
Which motion prevailed.

Mr. Hanna moved

That 100 extra copies of

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Be printed,

Which motion prevailed.

The secretary announced that the president was about to sign concurrent resolution relating to the appointment of a commission to confer with Sioux Indians:

Also,

Concurrent resolution relating to the legislative manual.

Also,

Concurrent resolution relating to the game law.

#### INTRODUCTION OF SENATE BILLS.

Mr. Sanborn introduced

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Mr. McDougal introduced

Senate bill No. 81,

A bill for an act to amend section 1598 and section 1599 of the Revised Code of the state of North Dakota, relating to the duties of district veterinarian as amended by chapter 40 of the laws of 1897.

Mr. Cashel introduced

Senate bill No. 82,

A bill for an act to amend section 4797 of chapter 77 of the civil code of the laws of 1895.

Also,

Senate bill No. 83,

A bill defining certain duties of state officers.

Mr. Twichell introduced

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Mr. Levang introduced

Senate bill No. 85,

A bill for an act appropriating money to pay the expenses of a committee of two to be appointed by the governor, to confer on railroad rates with similar committees from the states of Minnesota and South Dakota.

Mr. Little introduced

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Consideration of message from the house:

#### CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the senators and representatives of the state of North Dakota in the national congress be requested to favor and assist in securing a fair and liberal service pension to every union soldier veteran of the civil war, not already a pensioner, regardless of any disability accruing from said service or since, whenever said soldier shall have arrived at the age of sixty-two years.

Mr. Little moved

The adoption of the resolution,

Which motion prevailed.

The courtesies of the floor were extended to Messrs. M. L. Parker, John Severn, J. Ross, Frank Montgomery, B. Fellows and Dr. A. P. Rounsevell.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Was read the first time.

Senate bill No. 81,

A bill for an act to amend section 1598 and section 1599 of the Revised Code of the state of North Dakota, relating to the duties of district veterinarian as amended by chapter 40 of the laws of 1897.

Was read the first time.

Senate bill No. 82,

A bill for an act to amend section 4797 of chapter 77 of the civil code of the laws of 1895.

Was read the first time.

Senate bill No. 83,

A bill defining certain duties of state officers.

Was read the first time.

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Was read the first time.

Senate bill No. 85,

A bill for an act appropriating money to pay the expenses of a committee of two to be appointed by the governor, to confer on railroad rates with similar committees from the states of Minnesota and South Dakota.

Was read the first time.

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Was read the first time.

## SECOND READING OF SENATE BILLS.

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Was read the second time, and

Referred to the committee of the whole.

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.



Was read the second time, and  
Referred to the committee on judiciary.

Senate bill No. 75,

A bill for an act authorizing counties, cities and other municipal corporations to pay obligations for carrying on the usual business of such counties, cities and other municipal corporations during any period when their debts exceed the constituted limitations.

Was read the second time and

Referred to the committee on corporations other than municipal.

Senate bill No. 76,

A bill for an act to require fire, lightning or tornado insurance agents within the state, to pay license fees.

Was read the second time and

Referred to the committee on insurance.

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Was read the second time, and

Referred to the committee on judiciary.

### THIRD READING OF SENATE BILLS.

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Was read the third time.

Mr. Creel moved

To amend by amending the emergency clause as follows:

Sec. 3. Whereas, An emergency exists in that the publication of the annual statements of insurance companies, will be required before July 1, 1899; therefore, this law shall go into force and effect from and after its passage and approval.

Which motion prevailed, and

The report of the committee as amended was adopted.

The question being upon the final passage of the bill as amended.

The roll being called there were ayes 26, nays 1; absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McDougal,
Baker,	Hegge,	McGillivray,
Cashel,	Laidlaw,	Noble,
Cooper,	LaMoure,	Porter,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Fuller, Pembina	Mansfield,	Twichell.
Fuller, Stutsman,	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ames,	Marshall,	Murphy,
McCanna,		

So the bill passed and the title was agreed to.

Mr. Dunlap voting in the negative.

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Was read the third time.

Mr. Cashel moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill as amended.

The roll being called there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller, Stutsman,	McCarten,
Baker,	Hanna,	McDougal,
Cashel,	Hegge,	McGillivray,
Cooper,	Laidlaw,	Noble,
Cox,	LaMoure,	Porter,
Cronan,	Levang,	Sharpe,
Creel,	Little,	Slotten,
Dunlap,	Luke,	Twichell.
Fuller, Pembina	Mansfield,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ames,	McCanna,	Sanborn,
Marshall,	Murphy,	

So the bill passed and the title was agreed to.

Mr. LaMoure moved that

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Also,

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Be taken from their regular order and be put upon their third reading and final passage,

Which motion prevailed.

Mr. Little moved

That the rules be suspended, and

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Be read the first and second times and referred,

Which motion prevailed.

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Was read the third time.

Mr. Cox moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—  
Ames,  
Marshall,

Messrs—  
McCanna,

Messrs—  
Murphy,

So the bill passed and the title was agreed to.

Senate bill, No. 55,

A bill for an act making appropriation for repairing and furnishing the executive mansion.

Was read the third time.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—  
Ames,  
Marshall,

Messrs—  
McCanna,

Messrs—  
Murphy,

So the bill passed and the title was agreed to.

## SECOND READING OF HOUSE BILLS.

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Was read the second time and

Referred to the committee on judiciary.

## THE RAILROAD RATE CASE,

In compliance with a request of the senate, the following statement showing vouchers for service and supplies on the rate case was presented :

H. A. Plumley, for service, paid Jan. 10, 1898 .....	\$	18 00
H. A. Edwards, " March 2, 1898 .....		132 43
Chas. E. Taylor, " " .....		140 75
Frank H. Irons, " " .....		49 96
Frank H. Irons, " " .....		75 00
Frank H. Irons, " Jan. 10, 1898 .....		75 00
Frank H. Irons, " Dec. 3, 1897 .....		75 00
W. J. Ryan, " April 19, 1898 .....		16 50
Frank H. Irons, " Feb. 1, 1898 .....		75 00
Frank H. Irons, " April 30, 1898 .....		75 00
Frank H. Irons, " April 20, 1898 .....		106 82
H. A. Edwards, " Jan. 17, 1898 .....		75 00
H. A. Edwards, " Jan. 3, 1898 .....		85 00
H. A. Edwards, " Jan. 31, 1898 .....		85 00
H. A. Edwards, " April 4, 1898 .....		103 90
Chas. E. Taylor, " April 28, 1898 .....		302 55
H. A. Edwards, " April 30, 1898 .....		143 25
Frank H. Irons, " July 20, 1898 .....		76 50
H. A. Edwards, " June 23, 1898 .....		42 50
Frank H. Irons, " June 16, 1898 .....		105 48
H. A. Edwards, " Jan. 16, 1899 .....		15 00
Frank H. Irons, " Oct. 31, 1898 .....		150 00
H. A. Edwards, " July 21, 1898 .....		62 40
J. P. Birchall, " Sept. 21, 1898 .....		15 00
Frank H. Irons, " Aug. 16, 1898 .....		75 00
Frank H. Irons, " Aug. 1, 1898 .....		112 50
Frank H. Irons, " July 31, 1898 .....		75 00
H. A. Edwards, " Jan. 10, 1898 .....		50 00
Thomas Kleinogel, " June 28, 1898 .....		22 10
Frank H. Irons, " Sept. 3, 1898 .....		103 00

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\$ 2,538 64

Mr. Hanna moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,  
Secretary.



## THIRTY-FIRST DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 2, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Ames, Cox, Marshall, Murphy, McCanna and McGillivray, who were excused.

Mr. Creel moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same,  
Which motion prevailed.

The president appointed Messrs. Fuller of Pembina, Dunlap and McDougal as a committee to correct and revise the Journal of the thirtieth day.

Mr. LaMoure moved

That an itemized statement of the railroad rate case be printed in the Journal,

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Also,

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North

Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Also,

Senate bill, No. 55,

For an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on ways and means made the following report:  
Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "be" in line 39, page 3 of the printed bill, strike out the words "published in the official papers of his county, in the two first issues of such papers," and insert in lieu thereof the words "mailed to each person, firm or corporation interested."

In line 10, on page 2, strike out the word "April" and insert the word "October."

And when so amended recommend that the same do pass.

L. B. HANNA,  
Chairman.

Mr. Hanna moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 45,

A bill for an act to amend section eighty-two (82) of chapter 126 of the laws of 1897 of the state of North Dakota, relating to revenue and taxation.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,  
Chairman.

Mr. Hanna

The adoption of the report,  
Which motion prevailed, and  
Further consideration of  
Senate bill No. 45,

A bill for an act to amend section eighty-two (82) of chapter 126 of the laws of 1897 of the state of North Dakota, relating to revenue and taxation.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys

Have had the same under consideration and recommend that the same be amended as follows:

In section 2, after the word "whereas," insert the words "an emergency exists in that"

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed and  
The report was adopted.

#### REPORT OF SPECIAL COMMITTEE.

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the twenty-ninth day and recommend the following corrections:

On page 5, following report of joint committee, the words "concurrent resolution" should be stricken out.

On page 13, after the words "once in each week" should be added: "Which motion prevailed, and the amendment was adopted."

And when so amended recommend that the Journal of the twenty-ninth day be approved.

D. W. LUKE,  
R. C. SANBORN,  
V. B. NOBLE.

Mr. Cooper moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
BISMARCK, NORTH DAKOTA,  
February 2, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

Which the house has passed unchanged.

Also,

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,  
Chief Clerk.

#### INTRODUCTION OF SENATE BILLS.

Department of State.

Senate bill No. 87,

Concurrent resolution amending the constitution.

Mr. Hanna introduced

Senate bill No. 88.

A bill for an act to amend section 7679 of the Revised Codes of 1895, as amended by chapter 83 of the session laws of 1897, relating to the protection of game and fish.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 87,

Concurrent resolution amending the constitution.

Was read the first time.

Senate bill No. 88.

A bill for an act to amend section 7679 of the Revised Codes of 1895, as amended by chapter 83 of the session laws of 1897, relating to the protection of game and fish.

Was read the first time.

Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

Was read the first time.

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Was read the first time.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 2, 1899.

Mr. President:

I have the honor to transmit herewith



House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Also,

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Also,

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

The senate returned to the ninth order of business.

Mr. Cronan introduced

Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

Mr. Twichell introduced

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

February 2, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Also,

### CONCURRENT RESOLUTION.

Whereas, The state of North Dakota has an international reputation for the production of the best quality of wheat; and

Whereas, Experience has demonstrated the necessity of changing the seed in order to keep fields clear of smut and blight; and

Whereas, It has also been demonstrated that the higher the latitude where wheat is produced, the better is its quality; therefore, be it

Resolved, by the house of representatives, the senate concurring, That the congress of the United States is respectfully petitioned to so modify the tariff law of the United States as to allow the importation of wheat intended for seed, free of duty, and that such regulations be established regarding the importation thereof as to prevent the use of said wheat for any other purpose than that of seeding.

That a copy of this resolution, properly engrossed, be sent to our representatives in congress, and they are requested to use every endeavor to secure the modification herein petitioned for.

Which the house has passed and your concurrence therein is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

The courtesies of the floor were extended to L. A. Ueland, J. J. Clory, William Gribble, Wilber T. Bare, W. A. Baldwin, Charles Gunkel.

### COMMITTEE OF THE WHOLE.

Mr. Creel moved

That the senate resolve itself into a committee of the whole for the consideration of

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Which motion prevailed.

In committee of the whole,

Mr. Little in the chair,

The committee of the whole made the following report:

Mr. President:

Your committee of the whole to whom was referred

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Arnold moved

The adoption of the report of the committee,

Which motion prevailed.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Was read the second time, and

Referred to the committee on education.

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 81,

A bill for an act to amend section 1598 and section 1599 of the Revised Code of the state of North Dakota, relating to the duties of district veterinarian as amended by chapter 40 of the laws of 1897.

Was read the second time, and

Referred to the committee on stock.

Senate bill No. 82,

A bill for an act to amend section 4797 of chapter 77 of the civil code of the laws of 1895.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 83,

A bill defining certain duties of state officers.

Was read the second time, and

Referred to the committee on state affairs.

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Was read the second time, and

Referred to the committee on public lands.

Senate bill No. 85,

A bill for an act appropriating money to pay the expenses of a committee of two to be appointed by the governor, to confer on railroad rates with similar committees from the states of Minnesota and South Dakota.

Was read the second time, and

Referred to the committee on appropriations.

### THIRD READING OF SENATE BILLS.

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Was read the third time.

Mr. McCarten moved

The adoption of the report of the committee

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Cox,

Messrs—

Marshall,  
McCanna,

Messrs—

McGillivray,  
Murphy,

So the bill passed and the title was agreed to.

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Was read the third time.

Mr Cashel moved

The following amendment:

In line 13 of the printed bill, following the words "so deposited shall," strike out "not exceed" and insert the word "be," so the line shall read as follows: "Interest on the fund so deposited shall be 3 per cent. per annum."

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 21, nays 4, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Little,

Messrs—

Luke,  
Mansfield,  
McCarten,  
McDougal,  
Porter,  
Sanborn,  
Sharpe,

Those voting in the negative were:

Messrs—

Hegge,  
Noble,

Messrs—

Slotten,

Messrs—

Twichell.

Absent and not voting:

Messrs—

Ames,  
Cox,

Messrs—

Marshall,  
McCanna,

Messrs—

McGillivray,  
Murphy,

So the bill passed and the title was agreed to.

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Was read the third time.

Mr. McCarten moved

The adoption of the following amendment :

Amend the second subdivision of the preamble by striking out the words "who, with two others of said defendants, was subsequently lynched by a mob,



Which motion prevailed.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
Cox,  
Fuller, Stutsman,

Messrs—

Laidlaw,  
Marshall,  
McCanna,

Messrs—

McGillivray,  
Murphy,  
Twichell.

So the bill passed and the title was agreed to.

### FIRST READING OF HOUSE BILLS.

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Was read the first time.

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Was read the first time.

### THIRD READING OF HOUSE BILLS.

House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McDougal,
Baker,	Hegge,	Noble,
Cashel,	Laidlaw,	Porter,
Cooper,	LaMoure,	Sanborn,
Cronan,	Levang,	Sharpe,
Creel,	Little,	Slotten,
Dunlap,	Luke,	Twichell.
Fuller, Pembina	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ames,	Mansfield,	McGillivray,
Cox,	Marshall,	Murphy,
Fuller, Stutsman.	McCanna,	

So the bill passed and the title was agreed to.

### THE RAILROAD RATE CASE.

In compliance with the request of the senate the following list of vouchers for services in connection with the railroad rate case was presented:

STATE OF NORTH DAKOTA.		DR.
Dec. 10, 1897, to H. A. Plumley for notices.....		\$ 18 00
June 11, 1898, to H. A. Edwards, for services as expert engineer and procuring testimony for the railroad and warehouse commission in the rate cases for the month of May.....		42 50
July 5, 1898, to Frank H. Irons, for railroad fares, sleeper, hotel bills from Euclid, Ark., to Fargo, N. D., on summons to attend hearing and completion of railroad rate case..	\$67 50	
July 8, 1898, to Frank H. Irons, to services July 5 to 8...	9 00—	76 50
April 30, 1898, to H. A. Edwards, for services as expert procuring testimony in rate cases in junction by railroad against railroad commissioners.....	85 00	
April 30, 1898, to H. A. Edwards, expenses attending taking evidence before master in St. Paul and Chicago hotels.....	53 75	
April 30, 1898, to H. A. Edwards, pullman from St. Paul to Chicago and return.....	4 50—	143 25
April 28, 1898, to Charles E. Taylor, for services as stenographer in Great Northern Railway Co., Northern Pacific Railway Co. and Chicago, Milwaukee & St. Paul Railway Co. vs. George H. Keyes et al., attendance.....	270 00	
April 28, 1898, to Charles E. Taylor, mileage from Devils Lake to St. Paul and return .....	20 55	
April 28, 1898, to Charles E. Taylor, stationery furnished..	12 00	302 55

Mch. 31, 1898, to H. A. Edwards, for services, March, 1898, as expert procuring testimony in the injunction rate cases on behalf of the railroad commissioners, and expenses attending the sittings of the master at St. Paul.....	\$85 00	
Mch. 31, 1898, to H. A. Edwards, railroad fares from Fargo to St. Paul and return.....	14 40	
Mch. 31, 1898, to H. A. Edwards, for fare on sleeper.....	4 50—	\$103 90
Jan. 31, 1898, to H. A. Edwards, for expert work in line of civil engineering assisting attorney general and railroad and warehouse commissioners in rate cases in the United States court, month of January, 1898.....	85 00—	85 00
Jan. 3, 1898, to H. A. Edwards, for expert work in line of civil engineering assisting attorney general and railroad and warehouse commissioners in rate case in the United States court, month of December, 1897.....	85 00—	85 00
Jan. 17, 1898, to H. A. Edwards for 1,000 mile ticket over Great Northern railway, paid.....	25 00 *	
Jan. 17, 1898, to H. A. Edwards for 1,000 mile ticket over Northern Pacific railway, paid.....	25 00	
Jan. 17, 1898, to H. A. Edwards for 1,000 mile ticket over "Soo" railway, paid, to get evidence in the rate cases.....	25 00—	75 00
Feb. 25, 1897, to Charles E. Taylor for services from Feb. 13 to 25 inclusive as stenographer, including four copies of 119 pages of legal testimony or transcript of evidence .....	120 00	
Feb. 25, 1897, to Charles E. Taylor Ry. fare, one fare to St. Paul and return, 835 miles .....	20 75—	140 75
Nov. 30, 1897, to Frank H. Irons for services in railroad companies vs. state in compiling statistics and aiding in collection of testimony .....	75 00—	75 00
Dec. 31, 1897, to Frank H. Irons for services in collecting statistics, data and in the collection and arrangement of testimony in railroad rate cases for December, 1897....	75 00—	75 00
Feb. 1, 1898, to Frank H. Irons for services, arranging and tabulating testimony and statistics, account railroad companies vs. railroad commissioners and others for month of January.....	75 00—	75 00
Feb. 1, 1898, to Frank H. Irons for stationery and postage used in preparing tables, etc.....	4 00	
Feb. 1, 1898, to Frank H. Irons, railroad fare from Fargo to St. Paul and return, \$13.96; sleeper, \$4.50 .....	18 46	
Feb. 1, 1898, to Frank H. Irons, board 8¾ days, at hearing before master Feb. 15 to 22.....	27 50—	49 96
Feb. 28, 1898, to H. A. Edwards for procuring evidence in rate cases, services for February.....	90 00	

Feb. 28, 1898, to H. A. Edwards for expenses in making tour of observation.....	\$15 95	
Feb. 28, 1898, to H. A. Edwards for expenses in attending master's sitting in St. Paul Feb. 15 to 23; for expenses for pullman, \$2; hotel, \$17.50.....	19 50	
Feb. 28, 1898, to H. A. Edwards for expenses for fare from St. Paul to Fargo.....	6 98—	\$132 43
Feb. 28, 1898, to To Frank H. Irons for services in furnishing testimony and preparing information in the service of railroad commissioners and attorney general for February.....	75 00—	75 00
April 19, 1898, to W. J. Ryan for services, figuring percentages and copying tariff rates, gone 14 and 15, 17 to 20 inclusive.....	16 50—	16 50
April 20, 1898, to Frank H. Irons for fare from Nashville to Hope, \$1.25; Hope to St. Louis, \$13.71	14 96	
April 20, 1898, to Frank H. Irons for sleeper and meals to St. Louis, \$4.25; meals at St. Louis, \$1; message to attorney general, 85 cents	6 10	
April 20, 1898, to Frank H. Irons, fare from St. Louis to St. Paul, \$16.41; sleeper and meals, \$4.25.....	20 66	
April 20, 1898, to Frank H. Irons, board at Merchants hotel to April 16, \$16.55; board at Merchants to 20th, \$8.....	24 55	
April 20, 1898, to Frank H. Irons, sleeper to Chicago, \$2.25; to St. Paul, \$2.25; room to April 27, \$18.55; meals to April 27, \$17.50.....	40 55—	106 82
April 30, 1898, to Frank H. Irons for services for month of April in railroad rate cases under direction of the attorney general and commissioners of railroads.....	75 00—	75 00
Nov. 30, 1897, to H. A. Edwards, for expert work in line of civil engineering, assisting attorney general and railroad and warehouse commissioners, month of November..		50 00
May 16, 1898, to Frank H. Irons, for services one-half month in rate cases under attorney general and and commissioners.....	\$37 50	
May 16, 1898, to Frank H. Irons, expenses Chicago, 2 days, \$10.00; sleeper to St. Paul, \$2.25; expenses to Fargo, \$5.00; fare Fargo to St. Paul, \$6.88.....	24 13	
May 16, 1898, to Frank H. Irons, sleeper to St. Paul, \$2.25; hotel St. Paul, \$2.00; fare to St. Louis, \$16.00; sleeper to St. Louis, \$2.25; meals, \$1.50.....	24 00	
May 16, 1898, to Frank H. Irons, fare to Hope, \$13.85; sleeper and meals to Hope, \$4.75; fare to Nashville, \$1.25 .....	19 85—	67 98
April 6, 1898, to Thomas Kleinogel, railroad fare to St. Paul.....	7 25	
April 6, 1898, to Thomas Kleinogel, sleeper, \$2.00; hotel, \$2.25; railroad fare to Fargo, \$7.25; sleeper, \$2.00; telephone, \$1.35.....	14 85—	22 10

June 30, 1898, to H. A. Edwards, for services as expert procuring testimony for the railroad commissioners in the rate cases, month of June.....	\$35 00	
June 30, 1898, to H. A. Edwards, railroad fare and expenses sitting of master to take testimony in St. Paul.....	27 40—	\$ 62 40
Aug. 1, 1898, to Frank H. Irons, for services under direction of attorney general and railroad commissioners in railroad cases one-half month of May, '98.....	37 50	
Aug. 1, 1898, to Frank H. Irons, same for services July 8 to Aug. 7, 1898.....	75 00—	112 50
Aug. 8, 1898, to J. P. Birchall, for services in railroad rate cases, preparing and delivering testimony before master in chancery	15 00—	15 00
Aug. 16, 1898, to Frank H. Irons, for expenses to Chicago and return, railroad cases, evidence in rebuttal, on account C., M. & St. P. Ry.....		75 00
Aug. 31, 1898, to Frank H. Irons, for assisting attorney general and railroad commissioners in rate cases for August, 1898.....		75 00
Sept. 30, 1898, to Frank H. Irons, for services in assisting attorney general in rate cases for month of September.....	75 00	
Sept. 30, 1898, to Frank H. Irons, expenses trip to St. Paul and return.....	28 00—	103 00
Oct. 31, 1898, to Frank H. Irons, for services rate cases for September.....	75 00	
Oct. 31, 1898, to Frank H. Irons, for expenses return trip to Arkansas, as per agreement.....	75 00—	150 00
Jan. 2, 1899, to H. A. Edwards, for services as expert engineer, procuring and giving testimony in rate cases and injunction suits of railroads against railroad and warehouse commissioners.....		15 00
Total.....		\$ 2,538 64

Mr. Hanna moved

That the secretary of the senate instruct the secretary of state to furnish the members of the senate, with erasers, paper cutters, scratchers, stamps, and all convenient desk furnishings,

Which motion prevailed.

Mr. Cashel moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.



## THIRTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 3, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Ames, Marshall, Murphy, McCanna, who were excused.

Mr. Porter moved

That the reading of the Journal be dispensed with, and the president appoint a committee to correct the same,

Which motion prevailed.

The president appointed Messrs. Cooper, Hanna and Levang a committee to correct and revise the Journal of the thirty-first day.

The following communication was received from the senate of Minnesota:

## COMMUNICATION.

ST. PAUL, February 1, 1899.

Hon. J. M. Devine, President of the Senate, Bismarck, N. D.:

Dear Sir: I have the honor to acknowledge the receipt of a copy of the memorial of the state of North Dakota, relative to the drainage of the Red River valley lands, and to inform you that the same has been presented to the senate of Minnesota.

Very respectfully yours,

LYNDON A. SMITH,  
President of the Senate.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Also,

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Also,

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Also,

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Also,

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on engrossed and enrolled bills submitted the following report:

Mr. President:

Your committee on engrossed and enrolled bills respectfully report that

Senate Bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota relating to the dissolution of marriage,

Was delivered to his excellency, the governor, for his approval at the hour of 3 o'clock p. m. February 3, 1899.

E. F. PORTER,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 19, of the printed bill, after the word "of," strike out the words "one thousand" and in lieu thereof insert the words "seven hundred and fifty."

On page 7, line 121, after the word "institute" insert the following words: "or teachers' training school."

On page 7, line 121, after the word "and" strike out the following words: "as far as practicable to," and in lieu thereof insert the words "he shall."

On page 7, line 123, after the word "conductor" strike out the words "of any institute" and insert the words "or instructor."

On page 8, line 125, after the word "institutes" insert the words "or teachers' training school."

On page 9, line 148, after the word "this" strike out the word "act" and insert in lieu thereof the word "article."

On page 9, line 160, after the word "this" strike out the word "act" and insert in lieu thereof the word "article."

On page 10, line 179, after the word "and" strike out the word "sixty" and insert in lieu thereof the word "seventy-five."

On page 11, line 183, after the word "hundred" strike out the words "and twenty."

On page 12, line 209, after the word "this" strike out the word "act" and insert in lieu thereof the word "article."

And when so amended recommend that the same do pass.

L. B. HANNA,  
Chairman.

Mr. Hanna moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred  
Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Have had the same under consideration and recommend that the same do pass.

WESLEY BAKER.  
Chairman.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirtieth day, and recommend the following corrections:

On page 10, after line 33 insert the following:

"Mr. Creel moved

"To amend by adding the emergency clause as follows:"

After the emergency clause add the following:

"Which amendment prevailed."

And following

"Mr. Creel moved"

Add at the end of next line the words "as amended."

And when so amended recommend that the Journal of the thirtieth day be approved.

J. Z. FULLER,  
CHAS. DUNLAP,  
J. A. McDOUGAL.

Mr. Cashel moved

That the report be adopted,  
Which motion prevailed and  
The report was adopted.

## MOTIONS AND RESOLUTIONS.

Mr. Cashel offered the following concurrent resolution:

## CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring:

Whereas, From the treasurer's report it appears that \$22,700 of 4 per cent interest bearing bonds, issued for the University of North Dakota, dated May 1, 1889, and due May 1, 1909, with payment optional May 1, 1899; and

Whereas, The board of university and school lands has money enough on hand at all times to take up said bonds: therefore, be it

Resolved, That the board of university and school lands is hereby requested to bid for said bonds, par, to bear interest at the rate of 4 per cent per annum, payable semi-annually, and that the treasurer of the state of North Dakota be and he is hereby instructed to redeem said bonds, May 1, 1899, and re-issue them to the board of university and school lands at 4 per cent interest, payable semi-annually, to run twenty years from date of issue, providing said board bids in compliance with this resolution; and be it further

Resolved, That a copy of this resolution be presented to the secretary of said board and another to the state treasurer.

Mr. Cashel moved

The adoption of the resolution,

Which motion prevailed.

Mr. LaMoure moved

That in the Journal of the thirtieth day on pages 13 and 14 relating to the railroad rate case be expunged from the records,

Which motion prevailed.

Mr. Arnold moved

That the secretary of the senate request the secretary of state to furnish the senate with the papers in the contest case of Green vs. McDougal,

Which motion prevailed.

## INTRODUCTION OF SENATE BILLS.

Mr. Noble introduced

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Mr. Laidlaw introduced

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.



Mr. Twichell introduced

Senate bill No. 93,

A bill for an act prescribing penalties for failure to correctly list personal property. Defining the duties of assessors, boards of review in townships, villages and cities, boards of equalization in cities having a board of equalization, county auditors, county boards of equalization and state boards of equalization prescribing penalties for failure to perform the same. And prescribing penalties for failure of witness to appear and testify when subpoenaed by such boards.

Mr. Twichell moved

That the rules be suspended and that the following resolution be given its first and second readings and reference:

### JOINT RESOLUTION.

A joint resolution of the senate and house of representatives, authorizing and instructing the governor, auditor and treasurer to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary,

Was read the first and second times, and

Referred to the committee on appropriations.

### FIRST READING OF SENATE BILLS.

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Was read the first time.

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Was read the first time.

Senate bill No. 93,

A bill for an act prescribing penalties for failure to correctly list personal property. Defining the duties of assessors, boards of review in townships, villages and cities, boards of equalization in cities having a board of equalization, county auditors, county boards of equalization and state boards of equalization prescribing penalties for failure to perform the same. And prescribing penalties for failure of witness to appear and testify when subpoenaed by such boards.

Was read the first time.

## SECOND READING OF SENATE BILLS.

Senate bill No. 93,

A bill for an act prescribing penalties for failure to correctly list personal property. Defining the duties of assessors, boards of review in townships, villages and cities, boards of equalization in cities having a board of equalization, county auditors, county boards of equalization and state boards of equalization prescribing penalties for failure to perform the same. And prescribing penalties for failure of witness to appear and testify when subpoenaed by such boards.

Was read the second time, and

Referred to the committee on ways and means.

Senate bill No. 87,

Concurrent resolution amending the constitution.

Was read the second time, and

Referred to the committee on state affairs.

Senate bill No. 88.

A bill for an act to amend section 7679 of the Revised Codes of 1895, as amended by chapter 83 of the session laws of 1897, relating to the protection of game and fish.

Was read the second time, and

Referred to the joint committee on game.

Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Was read the second time, and

Referred to the committee on judiciary.

The secretary announced that the president was about to sign Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

## SPECIAL ORDER.

Mr. Mansfield moved that

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the

laws of 1897, providing a bounty on certain stock-destroying animals.

Be read the third time and put on its final passage,  
Which motion prevailed,

Mr. Luke offered the following amendment :

After the word "bounties" in line 5 of the printed bill add the following:  
"Section 1. For each full grown female grey or buffalo wolf, four dollars; for each full grown male grey or buffalo wolf, two dollars."

Strike out the words in lines 5 and 6 "for each grey or buffalo wolf, three dollars."

The question being upon the amendment offered by Mr. Luke.

The roll was called and there were ayes 13, nays 14, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Cashel,  
Hanna,  
Little,  
Luke,

Messrs—

Mansfield,  
McDougal,  
McGillivray,  
Noble,

Messrs—

Porter,  
Sanborn,  
Sharpe,  
Slotten,

Those voting in the negative were:

Messrs—

Baker,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,  
Hegge,  
Laidlaw,

Messrs—

LaMoure,  
Levang,  
McCarten,  
Twitchell.

Absent and not voting:

Messrs—

Ames,  
Marshall,

Messrs—

McCanna,

Messrs—

Murphy,

Mr. McGillivray moved as a substitute to

Senate bill No. 19,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

That "\$5" be substituted for "\$4," and "\$3" for "\$2," in the amendment of the senator from Grand Forks.

Which motion did not prevail.

Mr. Dunlap moved as an amendment

That after the word "wolf" in line 6 of the printed bill, the words "or prairie wolf" be added.

Strike out the words "three dollars" in same line.

The question being upon the amendment offered by Mr. Dunlap.

The roll was called and there were ayes 6, nays 21, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—  
Baker,  
Cox,

Messrs—  
Levang,  
Luke,

Messrs—  
McCarten,  
Twichell.

Those voting in the negative were:

Messrs—  
Arnold,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Mansfield,

Messrs—  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Ames,  
Murphy,

Marshall,

McCanna,

Senate bill No. 10.

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,

Messrs—  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—  
Dunlap,

Messrs—  
Levang,

Messrs—  
McCarten,

Absent and not voting:

Messrs—  
Ames,  
Marshall,

Messrs—  
McCanna,

Messrs—  
Murphy,

So the bill passed and the title was agreed to.

### THIRD READING OF SENATE BILLS.

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 27, nays 0; absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller, Stutsman,	McDougal,
Baker,	Hanna,	McGillivray,
Cashel,	Hegge,	Noble,
Cooper,	Laidlaw,	Porter,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.
Fuller, Pembina	McCarten,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ames,	Marshall,	Murphy,
LaMoire,	McCanna,	

So the bill passed and the title was agreed to.

Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,  
Which motion prevailed.

The question being upon the final passage of the bill.

The roll being called there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	McDougal,
Cashel,	Laidlaw,	McGillivray,
Cooper,	LaMoire,	Noble,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.
Fuller, Pembina		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ames,	Marshall,	Murphy,
Fuller, Stutsman,	McCanna,	Porter,

So the bill passed and the title was agreed to.

Mr. Noble moved the following amendment to  
Senate bill No. 73,

A joint memorial of the senate and house of representatives of



the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Strike out all after the word "passage" in line 11, and all of lines 12 and 13, and that the words "house bill No. 10963" be inserted in lieu thereof.

Which motion did not prevail.

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Was read the third time.

Mr. Cooper moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 4, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,

Messrs—

Mansfield,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Those voting in the negative were:

Messrs—

Dunlap,  
McCarten,

Messrs—

Noble,

Messrs—

Twichell.

Absent and not voting:

Messrs—

Ames,  
Marshall,

Messrs—

McCanna,

Messrs—

Murphy,

So the bill passed and the title was agreed to.

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Was read the third time.

Mr. Cashel moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Fuller, Stutsman,

Messrs—

Marshall,  
McCanna,

Messrs—

Murphy,

Those voting in the negative were Messrs. Cooper and Sanborn.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 3, 1899.

Mr. President:

I have the honor to transmit herewith

#### CONCURRENT RESOLUTION.

Resolved, That in the death of Governor Frank A. Briggs the state lost a safe executive and a patriotic citizen, loyal to his state and people.

Resolved, That Saturday, February 11th, beginning at 2 o'clock p. m., be set apart for appropriate eulogies to his memory, and that the senate and house meet in joint assembly at that time.

Resolved, That, as an additional mark of respect, the senate and house shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the senate communicate these resolutions to the house.

Resolved, That, as an additional mark of respect, the senate and house shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the senate communicate these resolutions to the house.

Which the house has concurred in.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 3, 1899.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 1,

A bill for an act to amend section 2755 of the Revised Codes of North Dakota, relating to dissolution of marriage.

Very respectfully yours,

F. B. FANCHER,  
Governor.

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Was read the third time.

Amend title by changing chapter one hundred twenty-four to chapter one hundred twenty-six.

And in line 2 of the printed bill strike out the word "four" and insert in lieu thereof the word "six."

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Arnold,  
LaMoure,

Messrs—

Little,  
Marshall,  
McCanna,

Messrs—

Murphy,  
Noble,

So the bill passed and the title was agreed to.

## CONSIDERATION OF MESSAGE FROM THE HOUSE.

The senate concurred in the house concurrent resolution relating to seed wheat.

## CONCURRENT RESOLUTION.

Whereas, The state of North Dakota has an international reputation for the production of the best quality of wheat; and

Whereas, Experience has demonstrated the necessity of changing the seed in order to keep fields clear of smut and blight; and

Whereas, It has also been demonstrated that the higher the latitude where wheat is produced, the better is its quality; therefore, be it

Resolved, by the house of representatives, the senate concurring, That the congress of the United States is respectfully petitioned to so modify the tariff law of the United States as to allow the importation of wheat intended for seed, free of duty, and that such regulations be established regarding the importation thereof as to prevent the use of said wheat for any other purpose than that of seeding.

That a copy of this resolution, properly engrossed, be sent to our representatives in congress, and they are requested to use every endeavor to secure the modification herein petitioned for.

Mr. Little moved

That the rules be suspended and

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Be read the third time and put upon its final passage,

Which motion prevailed.

President Pro Tem McGillivray in the chair.

House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
McDougal,

Messrs—

McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Marshall,

Messrs—

McCanna,  
McCarten,

Messrs—

Murphy,

Mr. Hanna voted in the negative.

So the bill passed and the title was agreed to.

#### FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations..

Was read the first and second times, and

Referred to the committee on banks and banking.

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Was read the first and second times, and

Referred to the committee on banks and banking.

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.



Was read the first and second times, and  
Referred to the committee on state affairs.

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Was read the first and second times, and

Referred to the committee on warehouses and grain grading.

Courtesies of the floor were extended to Major Binginheimer, Wm. Badger, Wm. Mackin, H. G. Voss, J. B. Mears.

Mr. Andrew Hunby was appointed janitor.

Mr. Hanna moved

That the senate do now adjourn,

Which motion prevailed and

The senate adjourned.

J. O. SMITH,  
Secretary.

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## THIRTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 4, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

— All members present except Messrs. Ames, Marshall, Murphy, McCanna, Arnold and Laidlaw, who were excused.

Mr. McGillivray moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same,

Which motion prevailed.

The president appointed Messrs. Mansfield, Sharpe and Cox a committee to correct and revise the Journal of the thirty-second day.

## REPORTS OF STANDING COMMITTEES.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred  
House bill N. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

Have had the same under consideration and recommend that the same do pass.

D. W. LUKE

Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 794, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Also,

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Also,

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Also,

Senate bill No. 68,

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

Also,

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Also,

Senate bill No. 73,

A concurrent resolution, being a joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Also,

A concurrent resolution relating to the death of Governor F. A. Briggs.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee appointed to correct the Journal of the thirty-first day have examined the same and report the following corrections:

On page 8, line 4, strike out

"Mr. Arnold moved

"That the committee now arise and report,

"Which motion prevailed, and"

And insert

"In committee of the whole,

"Mr. Little in the chair."

And when so amended we recommend the approval of the Journal of the thirty-first day.

R. C. COOPER,  
K. P. LEVANG,  
L. B. HANNA.

Mr. Noble presented the following petition:

To the Honorable, the Legislative Assembly of the State of North Dakota:

We, the undersigned, residents and taxpayers of the county of Pierce, N. D., do hereby most respectfully and earnestly petition your honorable body to enact a law providing for terms of the supreme court to be held once annually at the city of Bismarck in the county of Burleigh, at the city of Fargo in the county of Cass, and at the city of Grand Forks in the county of Grand Forks. Litigation in the Second judicial district is increasing, and many cases are appealed to the supreme court, and the expense of attending at Bismarck, where the present sessions are held, is very burdensome to litigants residing in this locality.

Respectfully submitted,

L. N. TORSON,  
(and 71 others.)

Referred to the committee on judiciary.

### INTRODUCTION OF SENATE BILLS.

Mr. McCarten introduced

Senate bill No. 95,

A concurrent resolution for an amendment to the constitution providing for direct legislation.

Mr. Porter introduced

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state or North Dakota.

Mr. McCarten moved

That the rules be suspended and

Senate bill No. 95,

A concurrent resolution for an amendment to the constitution providing for direct legislation.

Also,

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state or North Dakota.

Be given their first and second reading and reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 95,

A concurrent resolution for an amendment to the constitution providing for direct legislation.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state or North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

The courtesies of the floor were extended to W. T. Parkea.

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Was read the second time, and

Referred to the committee on stock.

Mr. Cashel moved

That the senate take a recess of fifteen minutes,

Which motion prevailed.

The senate reassembled.

The senate returned to the ninth order of business.

### INTRODUCTION OF SENATE BILLS.

Mr. Little introduced

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Mr. Little introduced

Senate bill No. 98,

A bill for an act to amend section 2084 of the Revised Codes of North Dakota of 1895, which relates to the transportation of prisoners to the penitentiary and reform school and patients to the hospital for the insane, and prescribes the fees therefor and the manner of payment thereof, also the number of persons to be charged for in such transportation.

Mr. Little moved

That the rules be suspended and

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Also,

Senate bill No. 98,

A bill for an act to amend section 2084 of the Revised Codes of North Dakota of 1895, which relates to the transportation of prisoners to the penitentiary and reform school and patients to the hospital for the insane, and prescribes the fees therefor and the



manner of payment thereof, also the number of persons to be charged for in such transportation.

Be read the first and second times and referred,  
Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Was read the first and second times, and  
Referred to the committee on state affairs.

Senate bill No. 98,

A bill for an act to amend section 2084 of the Revised Codes of North Dakota of 1895, which relates to the transportation of prisoners to the penitentiary and reform school and patients to the hospital for the insane, and prescribes the fees therefor and the manner of payment thereof, also the number of persons to be charged for in such transportation.

Was read the first and second times, and  
Referred to the committee on judiciary.

The secretary announced that the president was about to sign

#### CONCURRENT RESOLUTION.

Resolved, That in the death of Governor Frank A. Briggs the state lost a safe executive and a patriotic citizen, loyal to his state and people.

Resolved, That Saturday, February 11th, beginning at 2 o'clock p. m., be set apart for appropriate eulogies to his memory, and that the senate and house meet in joint assembly at that time.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 4, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised

Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Also,

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Also,

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Also,

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Which the house has passed with the following amendments:

That in line 23, of the printed bill, after the word "of" the word "all" be stricken out and the word "such" be inserted in its place.

In line 23, of the printed bill, after the word "transfers" the words "made by him" be stricken out.

After the word "fund" in line 27, of the printed bill, add the words "provided, in counties in which the auditor is not paid the maximum salary allowed by law, said auditor may retain such fee as compensation for making such certificate."

And your concurrence therein is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

### THIRD READING OF SENATE BILLS.

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Hegge,  
Little,  
Mansfield,  
McCarten,  
McDougal,

Messrs—

McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

Messrs—

Ames,  
Arnold,  
Fuller, Stutsman,  
Laidlaw,

Messrs—

LaMoore,  
Levang,  
Luke,

Messrs—

Marshall,  
McCanna,  
Murphy,

Messrs. Ames, Marshall, Murphy, Hanna, Arnold and Laidlaw being excused.

So the bill passed and the title was agreed to.

The secretary announced that the president was about to sign

#### CONCURRENT RESOLUTION.

Whereas, The state of North Dakota has an international reputation for the production of the best quality of wheat; and

Whereas, Experience has demonstrated the necessity of changing the seed in order to keep fields clear of smut and blight; and

Whereas, It has also been demonstrated that the higher the latitude where wheat is produced, the better is its quality; therefore, be it

Resolved, by the house of representatives, the senate concurring, That the congress of the United States is respectfully petitioned to so modify the tariff law of the United States as to allow the importation of wheat intended for seed, free of duty, and that such regulations be established regarding the importation thereof as to prevent the use of said wheat for any other purpose than that of seeding.

That a copy of this resolution, properly engrossed, be sent to our representatives in congress, and they are requested to use every endeavor to secure the modification herein petitioned for.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## THIRTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 6, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Marshall, McGillivray, Murphy and Sanborn, who were excused.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 6, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Which the house has passed unchanged.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Luke moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct the same,

Which motion prevailed.

The president appointed Messrs. Twichell, Dunlap and Creel to correct and revise the Journal of the thirty-third day.

The secretary announced that the president was about to sign House bill No. 27,

A bill for an act to amend section 6153 of the Revised Codes of the state of North Dakota.

## REPORTS OF STANDING COMMITTEES.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred

Senate bill No. 81,

A bill for an act to amend section 1598 and section 1599 of the Revised Code of the state of North Dakota, relating to the duties of district veterinarian as amended by chapter 40 of the laws of 1897.

Have had the same under consideration and recommend that the same be amended as follows:

That on page 2 of the printed bill, line 8, strike out the words "twenty-five cents" and insert in lieu thereof the words "fifty cents."

And in line 9, strike out all after the word "mules" as included in lines 9 and 10.

And when so amended recommend that the same do pass.

WESLEY BAKER,

Chairman.

Mr. Little moved

The adoption of the report,

Which motion prevailed and

The report was adopted.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Have had the same under consideration and recommend that the same be indefinitely postponed.

WESLEY BAKER,

Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 85,

A bill for an act appropriating money to pay the expenses of a committee of two to be appointed by the governor, to confer on railroad rates with similar committees from the states of Minnesota and South Dakota.

Have had the same under consideration and recommend that the same do not pass.

T. TWICHELL,

Chairman.



Mr. Sharpe moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Have had the same under consideration and recommend that the same do pass.

T. TWICHELL,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

## REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirteenth day, and recommend the following corrections:

After line 31, page 2 of the printed Journal, insert the words "and find the same correctly engrossed."

In line 36, same page, strike out the word "engrossed" and insert the word "enrolled."

On page 7, line 11, after the word "pen" insert the letters "al."

On page 8 insert as the tenth line from the bottom of the page:

"And so the amendment was lost."

On page 9, line 2, strike out the words "be added" and insert the words "one dollar be added."

On page 8, after line 10 insert the word "Dunlap."

On page 8, in line 18 strike out the word Dunlap."

On page 9 add as line 23:

"And so the amendment was lost."

On page 11, line 16, strike out the word "motion" and insert the word "amendment" in lieu thereof."

On page 12, line 13, add at the end of the line the words "as amended."

On page 13 add as line 26:

"Mr. Hanna moved to."

On page 13 add as line 31:

"Which motion prevailed, and

"The amendment was adopted."

On page 15 insert before "First and Second Readings of House Bills" the following:

"Mr. Little moved

"That the rules be suspended and that all house bills be given their first and second readings and reference,

"Which motion prevailed."

And when so amended recommend that the Journal of the thirteenth day be approved.

W. E. MANSFIELD,  
J. B. SHARPE,  
A. B. COX.

Mr. Mansfield moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

## INTRODUCTION OF SENATE BILLS.

Mr. Luke introduced

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Mr. Little introduced

Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of 1895 relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Mr. Sharpe introduced, by request,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Mr. LaMoure introduced

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Mr. Ames introduced, by request,

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Mr. Arnold moved

That Mr. Ames be allowed to occupy the seat of Mr. Murphy during the latter's sickness,

Which motion prevailed.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Was read the first time.

Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of 1895 relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Was read the first time.

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Was read the first time.

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Was read the first time.

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Was read the first time.

#### FIRST READING OF HOUSE BILLS.

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Was read the first time.

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Was read the first time.

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Was read the first time.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 6, 1899,

Mr. President:

I have the honor to transmit herewith

#### CONCURRENT RESOLUTION.

Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the Senate Concurring:

That in consideration of the long service to the party, and his eminent character and ability to do honor to our state in any position given him,

and in accordance with the general sentiment of the Republican party and citizens of this state, we do request and respectfully urge the senators and member of congress from this state to see that some place pleasing to his wishes be given to Gen. Harrison Allen as a fitting tribute and return for his long and useful devotion to the great principles of the Republican party ever since its organization; and

Resolved, That a copy of this resolution be sent to each of the senators and the representative acting for this state in the national congress.

Which the house has passed, and your concurrence therein is respectfully requested,

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

The senate returned to the ninth order of business.

#### INTRODUCTION OF SENATE BILLS.

Mr. Little introduced

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Was read the first time.

Mr. Noble moved that

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Be recommitted,

Which motion prevailed.

Mr. Sharpe moved

That the concurrent resolution from the house relating to the appointment of Gen. Harrison Allen to a federal position, be taken up and acted upon,

Which motion prevailed.

Mr. Twichell moved

That the senate concur in the house resolution relating to the appointment of Gen. Harrison Allen to a federal appointment,

Which motion prevailed.



Mr. Arnold moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,  
Secretary.

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### THIRTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 7, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present, except Messrs. Ames, Marshall, Murphy, Sanborn, McCanna and Twichell, who were excused.

Mr. McCarten moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct the same,

Which motion prevailed.

The president appointed Messrs. Noble, Laidlaw and Sharpe as committee to correct and revise the Journal of the thirty-fifth day.

Mr. Fuller presented the following petitions:

To the Hon. Bailey Fuller, Senator :

We, the undersigned, voters of Stutsman county, believing that the provisions of Senate bill No. 60 will be in the interests of good government and morality, respectfully petition you to use your vote and influence in behalf of the said bill.

C. H. PHILLIPS,  
(and 88 others.)

To Hon. Bailey Fuller, Hon. Ormby McHarg and Hon. Chas. A. Sanford,  
Bismarck, N. D.:

Gentlemen: We, the undersigned, residents and citizens of Jamestown, and Stutsman county, N. D., do respectfully urge you to vote for Senate bill No. 60, known as the "temperance commissioner bill," and which provides for the appointment of a temperance commissioner to aid in the enforcement of the prohibition law of North Dakota.

MRS. L. B. SPICER,  
(and 17 others.)

To Hon. Bailey Fuller, Hon. Ormby McHarg and Hon. Chas. A. Sanford,  
Bismarck, N. D.:

Gentlemen: We, the undersigned, residents and citizens of Jamestown and Stutsman county, N. D., do respectfully urge you to vote for Senate bill No. 60, known as the "temperance commissioner bill," and which provides for the appointment of a temperance commissioner to aid in the enforcement of the prohibition law of North Dakota,

MRS. F. H. CHAPMAN,  
(and 27 others.)

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The secretary announced that the president was about to sign Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Was delivered to his excellency, the governor, for his approval at the hour of 2:30 o'clock p. m. February 7, 1899.

Also,

Senate bill No. 81,

A bill for an act to amend section 1598 and section 1599 of the

Revised Code of the state of North Dakota, relating to the duties of district veterinarian as amended by chapter 40 of the laws of 1897.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred  
Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Have had the same under consideration and recommend that the same do pass.

WESLEY BAKER,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Have had the same under consideration and recommend that the same be amended as follows:

In section 24, line 1, chapter 35, insert "of the code of civil procedure," and strike out all of section 27 and insert the following:

Sec. 27. Whenever it becomes necessary to construct a ditch, canal or any other device for carrying water from an artesian well, pond or storage reservoir, or running water across the right-of-way of any railroad company, the right so to do may be acquired and obtained in the manner and by the proceedings provided for in chapter 35 of the code of civil procedure; and the persons interested in such ditch or canal shall pay the expense of constructing such ditch or canal across such right-of-way, and the expense of a suitable culvert, and forever afterwards maintain the same in good repair; and said work shall be so done, and repairs made, as not to interrupt or disturb the operation of the railroad.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the report,

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 7, 1899.

Mr. President:

I have the honor to return herewith

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Which the house has directed me to return to the senate with the request that it be sent to the house in the form of a concurrent resolution, and not in the form of a bill.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

## INTRODUCTION OF SENATE BILLS.

Mr. Little introduced

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Mr. Twichell introduced

Senate bill No. 106,

A bill for an act providing that state debts shall have preference in case of insolvency.

## CONSIDERATION OF MESSAGE FROM THE HOUSE.

Mr. Little moved that

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Be sent back to the house with the request that the house act upon it,

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 7, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Also,

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Also,

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Also,

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Also,

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Also,

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.



Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,  
J. G. HAMILTON,  
Chief Clerk.

### REPORT OF SPECIAL COMMITTEE.

The special committee appointed to correct and revise the Journal of the thirty-third day, made the following report :

Mr. President:

Your special committee appointed to correct and revise the Journal of the thirty-third day have examined the same and recommend the following correction :

On line 20, page 4, strike out the words "grain and grading," and insert the word "judiciary."

And when so amended we recommend the approval of the Journal of the thirty-third day.

C. DUNLAP,  
H. M. CREEL.

Mr. Dunlap moved  
The adoption of the report,  
Which motion prevailed and  
The report was adopted.

### FIRST READING OF SENATE BILLS.

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Was read the first time.

Senate bill No. 106,

A bill for an act providing that state debts shall have preference in case of insolvency.

Was read the first time.

Mr. McDougal moved that  
Senate bill No. 81,

A bill for an act to amend section 1598 and section 1599 of the Revised Code of the state of North Dakota, relating to the duties of district veterinarian as amended by chapter 40 of the laws of 1897.

Be recommitted,  
Which motion prevailed,

## SECOND READING OF SENATE BILLS.

Senate bill No. 77,

A bill for an act concerning land titles, known as the Torrens law.

Was read the second time, and

Referred to committee on federal relations.

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Was read the second time, and

Referred to the committee on state affairs.

Senate bill No. 85,

A bill for an act appropriating money to pay the expenses of a committee of two to be appointed by the governor, to confer on railroad rates with similar committees from the states of Minnesota and South Dakota.

Be indefinitely postponed,

Which motion prevailed.

## THIRD READING OF SENATE BILLS.

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,

Messrs—

Mansfield,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
LaMoire,  
Marshall,

Messrs—

McCanna,  
Murphy,

Messrs—

Sanborn,  
Twichell.

Messrs. Ames, Marshall, McCanna, Murphy, Sanborn, and Twichell, being excused.

So the bill passed and the title was agreed to.

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Was read the third time.

Mr. Sharpe moved

That the report of the committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoire,  
Levang,  
Little,  
Luke,

Messrs—

Mansfield,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
Marshall,

Messrs—

McCanna,  
Murphy,

Messrs—

Sanborn.  
Twichell.

Messrs. Ames, Marshall, McCanna, Murphy, Sanborn, and Twitchell, being excused.

So the bill passed and the title was agreed to.

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,

Messrs—

Mansfield,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
Marshall,

Messrs—

McCanna,  
Murphy,

Messrs—

Sanborn,  
Twitchell.

Messrs. Ames, Marshall, McCanna, Murphy, Sanborn, and Twitchell, being excused.

So the bill passed and the title was agreed to.

## SECOND READING OF HOUSE BILLS.

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Was read the second time, and

Referred to committee on public printing.

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Was read the second time, and

Referred to the committee on banks and banking.

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Was read the second time, and

Referred to the committee on banks and banking.

The senate returned to ninth order of business.

#### INTRODUCTION OF SENATE BILLS.

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Mr. Noble moved

That the rules be suspended and

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Be read the first and second times, and referred,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Hanna moved

That the senate concur in the house amendments to

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

The question being on the concurrence in the house amendments,

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Luke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,



Absent and not voting:

Messrs—

Ames,  
Fuller, Stutsman,  
Little,

Messrs—

Marshall,  
McCanna,  
Murphy,

Messrs—

Sanborn,  
Twichell.

Messrs. Ames, Marshall, McCanna, Murphy, Sanborn and Twichell being excused.

So the amendment was concurred in.

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

Was read the third time.

Mr. Hanna moved

That the report of the committee be adopted,

Which motion prevailed,

The question being upon the final passage of the bill.

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Luke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
Dunlap,  
Fuller, Stutsman,

Messrs—

Little,  
Marshall,  
McCanna,

Messrs—

Murphy,  
Sanborn,  
Twichell.

Messrs. Ames, Marshall, McCanna, Murphy, Sanborn and Twichell being excused.

So the bill passed and the title was agreed to.

Mr. McCarten moved

That the rules be suspended and all house bills be given their first and second reading and references,

Which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Was read the first and second times, and  
Referred to the committee on appropriations.

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Was read the first and second times, and  
Referred to the committee on ways and means.

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Was read the first and second times, and  
Referred to the committee on public health.

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Was read the first and second times, and  
Referred to the committee on ways and means.

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Was read the first and second times, and  
Referred to the committee on judiciary.

On February 3rd, T. S. Norgaard was changed from janitor to the engrossing force.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## THIRTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 8, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Ames, Marshall, Murphy, McCanna and Sanborn, who were excused.

Mr. Creel moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed

The president appointed Messrs. Cooper, Baker and Fuller of Pembina to correct and revise the Journal of the thirty-sixth day.

Mr. Hegge presented the following petition:

We, the undersigned, residents of Benson county, state of North Dakota, do hereby request and petition our honorable senator, Mr. O. I. Hegge, to vote for and use all his influence in favor of Senate bill No. 60, which is introduced by Mr. Arnold.

We firmly believe that, though a great responsibility rests upon our honorable senator as member of the legislative assembly, a still greater responsibility, yea, a solemn duty it is for him to support every measure that favors a faithful execution of the law, for our temperance law, like every good law, is of no use unless enforced. Trusting that this will meet with your hearty approval, we are,

Respectfully,  
FRED SNORE,  
(and 37 others.)

Referred to the committee on temperance.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Also,

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Also,

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Also,

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

And find the same correctly engrossed.

Also,

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

And find the same correctly enrolled.

E. F. PORTER,

Chairman.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred

Senate bill No. 81,

A bill for an act to amend section 1598 and section 1599 of the Revised Code of the state of North Dakota, relating to the duties of district veterinarian as amended by chapter 40 of the laws of 1897.

Have had the same under consideration and recommend that the same be reported back with the recommendation that the same be indefinitely postponed.

WESLEY BAKER,  
Chairman.

Mr. Baker moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature

Also,

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899

Also,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.



Have had the same under consideration and recommend that the same be amended as follows:

By omitting the word "The" at the beginning of section 1664 thereof and inserting in lieu thereof the following, viz: "Whenever a petition signed by at least ten per centum of the qualified electors of any county in this state, as determined by the vote for governor at the last preceding general election, is presented to the board of county commissioners of any such county, such."

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed and

The report was adopted.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-fifth day, and recommend the following correction:

At the end of the third line from the bottom, on page 5 of the printed Journal, strike out the letter "m" and insert the word "Murphy."

And when so amended recommend that the Journal of the thirty-fifth day be approved.

V. B. NOBLE,  
W. A. LAIDLAW,  
J. B. SHARPE.

Mr. Noble moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The secretary announced that the president was about to sign Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

#### MOTIONS AND RESOLUTIONS.

Mr. Little moved

That the vote by which

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Passed, be reconsidered,  
Which motion prevailed.

Mr. Little moved that  
Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Be recommitted to the committee on appropriations,  
Which motion prevailed.

#### INTRODUCTION OF SENATE BILLS.

Mr. Levang introduced  
Senate bill No. 108,

A bill for an act to amend section 419 of the Revised Codes of North Dakota, relating to compensation of stenographers for making transcripts, and per diem.

Mr. Porter introduced (by request)  
Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 108,

A bill for an act to amend section 419 of the Revised Codes of North Dakota, relating to compensation of stenographers for making transcripts, and per diem.

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Was read the second time and  
Referred to the committee on judiciary.

Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of 1895 relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States providing for the

appointment of agents to receive and return such fugitives and providing for payment of such agents.

Was read the second time and

Referred to the committee on judiciary.

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Was read the second time, and

Referred to the committee on elections.

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Was read the second time and

Referred to the committee on state affairs.

Senate bill No. 106,

A bill for an act providing that state debts shall have preference in case of insolvency.

Was read the second time and

Referred to the committee on ways and means.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 8, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Also,

House bill No. 12,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Also,

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886

and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Also,

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Also,

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Which the house has passed, and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

### THIRD READING OF SENATE BILLS.

Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Fuller, Stutsman,  
LaMoire,

Messrs—

Marshall,  
McCanna,  
Murphy,

Messrs—

Sanborn,  
Sharpe,

Messrs. Ames, Marshall, McCanna, Murphy and Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Was read the third time.

Mr. Hanna moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
LaMoure,

Messrs—

Marshall,  
McCanna,

Messrs—

Murphy,  
Sanborn,

Messrs. Ames, Marshall, McCanna, Murphy and Sanborn being excused.

So the bill passed and the title was agreed to.

Senate bill No. 79,

A bill for an act to promote irrigation, by means of districts, ditches or other devices for carrying and controlling water, their construction and operation, the method of raising money for defraying the expenses, and the government of the system.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,

Messrs—

Hanna,  
Hegge,

Messrs—

McCarten,  
McDougal,



Messrs—

Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Messrs—

Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Creel,  
Fuller, Stutsman,

Messrs—

Marshall,  
McCanna,

Messrs—

Murphy,  
Sanborn,

Messrs. Ames, Marshall, McCanna, Murphy and Sanborn being excused.

So the bill passed and the title was agreed to.

### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 8, 1899.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 36,

A bill for an act to fix the compensation of the chaplain of the senate and of the house of representatives.

Very respectfully yours,

F. B. FANCHER,

Governor.

The privileges of the floor were extended to Dr. W. F. Cram, Mark E. Wilson, Marshall Printon and Dr. A. A. Flaten.

Mr. Little moved

That the rules be suspended and

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Be given its third reading,

Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Was read the third time.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,

Messrs—

Mansfield,  
McCarten,  
McDougal,  
Noble,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Creel,  
Marshall,

Messrs—

McCanna,  
McGillivray,

Messrs—

Murphy,  
Sanborn,

Messrs. Ames, Marshall, Murphy, McCanna and Sanborn being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House bill No. 79 was passed, be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Also,

That the vote by which Senate bill No. 94 was passed, be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mark Murphy was appointed clerk on the enrolling and engrossing force.

Mr. Cox moved

That the senate do now adjourn,

Which motion prevailed and

The senate adjourned.

J. O. SMITH,  
Secretary.

## THIRTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 9, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Marshall, Murphy, Arnold, Cronan, Fuller of Stutsman, Hegge, LaMoure, Little, McGillivray, Noble and Sanborn, who were excused.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 9, 1899.

Mr. President:

I have the honor to inform the senate that the house has by resolution postponed the memorial services for Governor F. A. Briggs heretofore assigned for consideration on Saturday, February 11, 1899, to Wednesday the 22nd day of February at 3 o'clock p. m., and requests the senate to concur in this arrangement; also, that the house requests the senate when they adjourn this day to take a recess until Tuesday, February 14th, 1899, at 2 o'clock p. m.

I have the honor to transmit herewith

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Which the house has passed unchanged.

Also,

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Which the house has amended as follows:

Strike out the words "were duly tried by the district court, and one of the said defendants found guilty and sentenced to be hung," and the words "confessed to the crime" be inserted in lieu thereof.

And also amend by striking out the words "such parties as shall by the governor be found to be entitled to receive the same," and inserting in lieu thereof the words "Peter Shier, of Emmons county."

And your concurrence therein is respectfully requested.

Also,

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

Also,

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Also,

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

Also,

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

#### PETITIONS AND COMMUNICATIONS.

Mr. Ames presented the following petition:

We, the undersigned, hereby petition the honorable members of the

legislative assembly, now in session at Bismarck, in the state of North Dakota, to pass a bill that provides for "initiative and referendum," to be laid before the voters of the state, to be voted upon at the next general election.

Signed by: Traill county, 145 signatures; Grand Forks county, 126 signatures; Cass county, 87 signatures; Walsh county, 55 signatures; Benson county, 30 signatures; Steele county, 28 signatures; Wells county, 26 signatures; Towner county, 2 signatures; Griggs county, 1 signature; Morton and Stark counties, 17 signatures.

Referred to the committee on judiciary.

Mr. Sharpe presented the following petition:

To Hon. J. B. Sharpe, Senator from the Twenty-fourth District, State of North Dakota:

The undersigned, citizens of the county of LaMoure, do hereby state that we sincerely and earnestly desire the enactment of the proposed temperance commissioner bill, now under consideration in the legislature of our state, and do hereby respectfully petition and urge you to use all honorable means in your power to secure the enactment of said bill, and to call on us for any and all such assistance as you may find yourself in need of in securing its enactment.

And your petitioners will ever continue to pray.

R. W. S. BLACKWELL,  
(and 40 others.)

Referred to the committee on temperance.

Mr. Sharpe moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same,

Which motion prevailed.

The president appointed Messrs. McDougal, Dunlap and Sloten committee to correct and revise the Journal of the thirty-seventh day.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

Was delivered to his excellency, the governor, for his approval at the hour of 4 o'clock p. m., February 8, 1899.

Also,

Your committee on enrolled and engrossed bills have examined Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.



Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

And find the same correctly engrossed.

E. F. PORTER,

Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Have had the same under consideration and recommend that the same be amended as follows:

By omitting the word "ten" in line 3 of section 2 thereof, and inserting in lieu thereof the word "thirty."

And in line 8 of section 3 thereof omitting the word "except," and inserting in lieu thereof the following, viz: "And shall also mail a copy of such verified statement of account to any prior mortgagees as the records of the register of deeds for the county where such labor is performed or materials are furnished may disclose, provided."

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

Mr. Cox moved

The adoption of the report,

Which motion prevailed and

The report was adopted.

The committee on public lands made the following report:

Mr. President:

Your committee on public lands to whom was referred

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Have had the same under consideration and recommend that the same do pass.

D. W. McCANNA,  
Chairman.

#### REPORT OF SPECIAL COMMITTEE.

The special committee appointed to correct and revise the Journal of the thirty-sixth day made the following report:

Mr. President:

Your special committee appointed to correct and revise the Journal of the thirty-sixth day have examined the same and recommend the following correction :

On page 1, tenth line from the bottom of page, strike out the word "sixth" at the end of the line and insert the word "fifth" in lieu thereof.

And when so amended we recommend the approval of the Journal of the thirty-sixth day.

R. C. COOPER.  
J. Z. FULLER,  
W. BAKER.

Mr. Cooper moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The secretary announced that the president was about to sign

#### CONCURRENT RESOLUTION

Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota :

That in consideration of the long service to the party, and his eminent character and ability to do honor to our state in any position given him, and in accordance with the general sentiment of the republican party and citizens of this state, we do request and respectfully urge the senators and member of congress from this state to see that some place pleasing to his wishes be given to Gen. Harrison Allen as a fitting tribute and return for his long and useful devotion to the great principles of the republican party ever since its organization; and

Resolved, That a copy of this resolution be sent to each of the senators and the representative acting for this state in the national congress.

Also,

House bill No. 79,

A bill for an act to provide for continuance of cases when an attorney in the case is a member of the state legislature or any party to the pending suit is a member of the legislature.

Also,

House bill No. 6,

A bill for an act to amend sections 3205 and 3209 of the Revised Codes relating to building and loan associations.

## INTRODUCTION OF SENATE BILLS.

Mr. Little introduced

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Mr. Baker, by request, introduced

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Mr. Mansfield, by request introduced

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Mr. Slotten introduced

Senate bill No. 113,

A bill for an act fixing the time for holding terms of district court in the several counties comprising the fourth judicial district.

Mr. Cashel introduced

Senate bill No. 114,

A bill for an act to provide for the furnishing and maintenance of the Institution for Feeble Minded located at or near the city of Grafton, North Dakota.

Mr. Cashel introduced

Senate bill No. 115,

A bill for an act creating a board of trustees, for an Institution for the Feeble Minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "an act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30th, 1895, and for other purposes," approved August 18th, 1894, and defining the duties of such board of trustees.

Mr. Ames introduced

Senate bill No. 116,

A bill for an act to prohibit and punish the sale, offering for sale cigarettes, cigarette paper or substitutes for the same, and to prohibit and punish the use of cigarettes, cigars or tobacco by persons under 18 years of age, and to prohibit and punish the carrying or having by any person under 18 years of age of any cigarettes, cigars or tobacco, and to prohibit and punish the harboring of persons

under 18 years of age, or permitting them to gather or frequent any place or premises to indulge in the use of cigarettes, cigars or tobacco, and to repeal section 7337 of the Revised Codes of 1895.

The joint committee on game laws introduced

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

Mr. Cashel moved

That the senate concur in the house resolution relating to the postponement of the memorial services for Gov. F. A. Briggs from Saturday, February 11, to Wednesday the 22nd, 1899, at 3 p. m.

Which motion prevailed.

Mr. Twichell moved

That the senate do not concur in the house request that when the senate adjourns this day to take a recess until Tuesday, February 14, 1899, at 2 o'clock p. m.

Which motion prevailed.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Was read the first time.

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Was read the first time.

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Was read the first time.

Senate bill No. 113,

A bill for an act fixing the time for holding terms of district court in the several counties comprising the fourth judicial district.



Was read the first time.

Senate bill No. 114,

A bill for an act to provide for the furnishing and maintenance of the Institution for Feeble Minded located at or near the city of Grafton, North Dakota.

Was read the first time.

Senate bill No. 115,

A bill for an act creating a board of trustees, for an Institution for the Feeble Minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "an act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30th, 1895, and for other purposes," approved August 18th, 1894, and defining the duties of such board of trustees.

Was read the first time.

Senate bill No. 116,

A bill for an act to prohibit and punish the sale, offering for sale, cigarettes, cigarette paper or substitutes for the same, and to prohibit and punish the use of cigarettes, cigars or tobacco by persons under 18 years of age, and to prohibit and punish the carrying or having by any person under 18 years of age of any cigarettes, cigars or tobacco, and to prohibit and punish the harboring of persons under 18 years of age, or permitting them to gather or frequent any place or premises to indulge in the use of cigarettes, cigars or tobacco, and to repeal section 7337 of the Revised Codes of 1895.

Was read the first time.

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Was read the first time.

Mr. Cashel moved

That all senate bills that have received their first reading be read the second time and referred.

Which motion prevailed,

## SECOND READING OF SENATE BILLS.

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.



Was read the second time, and  
Referred to the committee on appropriations.

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Was read the second time, and  
Referred to the committee on appropriations.

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Was read the second time, and  
Referred to the committee on appropriations.

Senate bill No. 113,

A bill for an act fixing the time for holding terms of district court in the several counties comprising the fourth judicial district.

Was read the second time, and  
Referred to the committee on judiciary.

Senate bill No. 114,

A bill for an act to provide for the furnishing and maintenance of the Institution for Feeble Minded located at or near the city of Grafton, North Dakota.

Was read the second time, and  
Referred to the committee on appropriations.

Senate bill No. 115,

A bill for an act creating a board of trustees, for an Institution for the Feeble Minded located at or near the city of Grafton, Walsh county, North Dakota, by an act of congress entitled "an act making appropriations for sundry civil expenses of the government in the fiscal year ending June 30th, 1895, and for other purposes," approved August 18th, 1894, and defining the duties of such board of trustees.

Was read the second time, and  
Referred to the committee on state affairs.

Senate bill No. 116,

A bill for an act to prohibit and punish the sale, offering for sale, cigarettes, cigarette paper or substitutes for the same, and to prohibit and punish the use of cigarettes, cigars or tobacco by persons under 18 years of age, and to prohibit and punish the carrying or having by any person under 18 years of age of any cigarettes, cigars or tobacco, and to prohibit and punish the harboring of persons under 18 years of age, or permitting them to gather or frequent

any place or premises to indulge in the use of cigarettes, cigars or tobacco, and to repeal section 7337 of the Revised Codes of 1895.

Was read the second time, and

Referred to the committee on public health.

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Was read the second time, and

Referred to the joint committee on game.

Mr. Hanna moved that

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Be made a special order for Wednesday, February 15, 1899, at 2:30 p. m.,

Which motion prevailed.

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Was read the third time.

Mr. Sharpe moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 20, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Cronan,  
Fuller, Stutsman,  
Hegge,

Messrs—

LaMoore,  
Little,  
Marshall,  
McGillivray,

Messrs—

Murphy,  
Noble,  
Sanborn,

Messrs. Arnold, Cronan, Fuller of Stutsman, Hegge, LaMoore, Little, Marshall, McGillivray, Murphy, Noble and Sanborn being excused.

So the bill passed and the title was agreed to.

The senate returned to the ninth order of business.

#### INTRODUCTION OF SENATE BILLS.

Mr. Twichell introduced

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

The senate returned to the twelfth order of business.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 108,

A bill for an act to amend section 419 of the Revised Codes of North Dakota, relating to compensation of stenographers for making transcripts, and per diem

Was read the second time, and

Referred to the committee on judiciary.

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Was read the second time, and

Referred to the committee on appropriations.

Mr. Twichell moved

That the rules be suspended and

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Be read the first and second times and referred.

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense

of construction of drains through school lands situated in Pembina county.

Was read the first and second times, and

Referred to the committee on appropriations.

The senate returned to the eighth order of business.

Mr. Creel moved

That 100 extra copies of

Senate bill No. 16,

A bill for an act to amend sections 7595 and 7596, chapter 63 of Revised Codes of the state of North Dakota, relating to prohibition. Unlawful dealing in intoxicating liquors. Physicians may prescribe under what conditions. Druggist sale regulated. Affidavits. Oaths. Blanks furnished. Sales recorded. Penalty.

Be printed,

Which motion prevailed.

#### FIRST READING OF HOUSE BILLS.

House bill No. 12.

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Was read the first time.

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Was read the first time.

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Was read the first time.

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Was read the first time.

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Was read the first time.

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Was read the first time.

Mr. Little moved

That the rules be suspended, and all house bills that have had their first reading be read the second time and referred,

Which motion prevailed.

#### SECOND READING OF HOUSE BILLS.

House bill No. 12,

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Was read the second time, and

Referred to the committee on banks and banking.

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Was read the second time, and

Referred to the committee on state affairs.

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Was read the second time and

Referred to the committee on judiciary.

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Was read the second time, and

Referred to the committee on state affairs.

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Was read the second time, and

Referred to the committee on judiciary.

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing



rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Was read the second time, and

Referred to the committee on railroads.

Mr. Porter moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

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## THIRTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 10, 1899..

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present, except Messrs. Arnold, Cronan, Fuller of Stutsman, Hegge, LaMoire, Little, Marshall, McGillivray, Murphy, Noble, Sanborn, who were excused.

Mr. Luke moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed

The president appointed Messrs. Luke and Baker.

Mr Twichell presented the following petition:

### RESOLUTION OF COUNTY COMMISSIONERS OF CASS COUNTY, NORTH DAKOTA.

Whereas, The present law for the taxation of grain in elevators is deemed by us inadequate, and the state's attorney of this county has, at

our request, drafted a bill which, in our opinion, meets the requirements; now, therefore, be it

Resolved, That the senators and representatives of Cass county do all in their power to procure the passage of said bill, and the state's attorney is requested to send a copy of said bill, together with this resolution, to Senator Twichell.

O. G. BARNES,  
Chairman.

W. G. NEWTON,  
J. M. WAGAR,  
C. H. NEWTON,  
J. G. BROWN.

Referred to the committee on ways and means.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Also,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Also,

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

Your committee to whom was referred the correction of Senate Journal of the thirty-seventh day, find the same correct and recommend its approval.

J. A. McDOUGAL,  
CHAS. DUNLAP,  
A. SLOTTEN,  
Committee.

Mr. McDougal moved  
The adoption of the report,  
Which motion prevailed and

The report was adopted.

Mr. Baker moved

That the senate concur in the amendments of the house to Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Which motion prevailed.

The question being upon the concurrence in the house amendments.

The roll was called and there were ayes 19, nays none, absent and not voting 12.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McDougal,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Cooper,  
Cronan,  
Fuller, Stutsman,

Messrs—

Hegge,  
LaMoure,  
Little,  
Marshall,

Messrs—

McGillivray,  
Murphy,  
Noble,  
Sanborn,

Messrs. Arnold, Cooper, Cronan, Fuller, of Stutsman, Hegge, LaMoure, Little, Marshall, McGillivray Murphy, Noble and Sanborn, being excused.

So the house amendments were concurred in and the bill passed and the title was agreed to.

#### INTRODUCTION OF SENATE BILLS.

Mr. Ames introduced

Senate bill No. 119,

A bill for an act to amend section 3 of chapter 82, of the laws of 1897, relating to garnishment proceedings in justice court.

Mr. Twichell introduced

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

Mr. Sharpe introduced

Senate bill No. 121,

A bill for an act relating to titles to real property.

Mr. Mansfield introduced

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Mr. Mansfield introduced

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Mr. Cooper introduced

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Mr. Ames moved

That unanimous consent be given to withdraw

Senate bill No. 119,

A bill for an act to amend section 3 of chapter 82, of the laws of 1897, relating to garnishment proceedings in justice court.

Which motion prevailed.

Mr. Twichell moved

That the rules be suspended and all Senate bills introduced be given their first and second reading and reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

Was read the first and second times, and

Referred to the committee on ways and means.

Senate bill No. 121,

A bill for an act relating to titles to real property.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Was read the first and second times, and

Referred to the committee on stock.

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Was read the first and second times, and

Referred to the committee on state affairs.

#### FIRST READING OF HOUSE BILLS.

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

Was read the first time.

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Was read the first time.

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

Was read the first time.

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Was read the first time.

The secretary announced that the president was about to sign Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

Mr. Cashel moved

That the rules be suspended and all House bills that received their first reading, be read the second time and referred,

Which motion prevailed.



## SECOND READING OF HOUSE BILLS.

House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

Was read the first and second times, and

Referred to the committee on appropriations.

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Was read the first and second times, and

Referred to the committee on appropriations.

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

The senate returned to the eighth order of business.

Mr. Creel moved that unless

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Be returned from the house by next Wednesday, February 15,

1899, the secretary of the senate be instructed to have an enrolled copy of the bill, showing the vote of the senate, sent to our representatives in congress,

Which motion prevailed.

Mr. Creel moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## FORTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 11, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present excepting Messrs. Ames, Arnold, Baker, Fuller of Stutsman, Hegge, Laidlaw, LaMoure, Little, Marshall, McGillivray, Murphy, Sanborn and Slotten, who were excused.

Mr. Creel moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Cox, Cashel and Dunlap as a committee to correct and revise the Journal of the thirty-ninth day.

The following communication was received from the governor of Wyoming:

EXECUTIVE DEPARTMENT,  
CHEYENNE, WYOMING,  
February 8, 1899.

To the Honorable Senate and House of Representatives, State of North Dakota:

Gentlemen: The certified copy of the concurrent resolution by your body on the subject of election of United States senator by a direct vote of the people, embodying a request that this subject matter be laid before the legislative body of this state, is received, and I have the honor to state that a similar memorial, bearing date February 13, 1893, was passed by the legislature of this state and has already been presented to the congress of the United States.

Very respectfully yours,  
DEFOREST RICHARDS,  
Governor.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The joint committee on game laws made the following report:  
Mr. President:

Your joint committee on game laws to whom was referred Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,  
Chairman.

The committee on warehouses and grain grading made the following report :

Mr. President:

Your committee on warehouses and grain grading to whom was referred

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee to whom was referred the revision and correction of the Journal of the thirty-eighth day, beg leave to report that they find the Journal of that day correct.

Very respectfully yours.

D. W. LUKE,  
WESLEY BAKER,  
Committee.

Mr. Luke moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The courtesies of the floor were extended to C. Hope Morgan and Prof. D. F. Rangs.

#### INTRODUCTION OF SENATE BILLS.

Mr. Ames introduced

Senate bill No. 125,

A bill for an act to amend section 3 of chapter 82 of the laws of 1897 relating to garnishment proceedings in justice courts.

Mr. Ames introduced

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Mr. McDougal introduced

Senate bill No. 127,

A bill for an act to amend sections 1031, 1032 and 1033 of the Revised Codes of the state of North Dakota, relating to firemen's association meetings and tournaments and the annual appropriation therefor.

Mr. Luke moved

That the rules be suspended and that all bills introduced today be given their first and second reading and reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS

Senate bill No. 125,

A bill for an act to amend section 3 of chapter 82 of the laws of 1897 relating to garnishment proceedings in justice courts.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Was read the first and second times, and

Referred to the committee on education.

Senate bill No. 127,

A bill for an act to amend sections 1031, 1032 and 1033 of the Revised Codes of the state of North Dakota, relating to firemen's association meetings and tournaments and the annual appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

The senate returned to the fifth order of business.

#### PETITIONS AND COMMUNICATIONS.

Mr. McCarten presented the following petition :

We, the undersigned, hereby petition the honorable members of the legislative assembly, now in session at Bismarck, state of North Dakota, to pass a bill to provide for "initiative and referendum," to be laid before the voters of the state, to be voted upon at the next general election.

FRITHOF GRESERLAND,  
(and 32 others.)

Referred to the committee on judiciary.

Mr. Cox moved

That the senate do now adjourn,

Which motion prevailed and

The senate adjourned.

J. O. SMITH,  
Secretary.



## FORTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 14, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All the members present except Messrs. Hegge and Murphy, who were excused.

Mr. Cashel moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

The president appointed Messrs. Sanborn, Hanna and Luke a committee to correct and revise the Journal of the fortieth day.

## PETITIONS AND COMMUNICATIONS.

The following message was received from the governor of Maine:

EXECUTIVE DEPARTMENT,  
AUGUSTA, Me.,  
February 9, 1899.

To the Honorable President of the Senate and Speaker of the House of Representatives of the Legislature of North Dakota:

His excellency, Governor Powers, directs me to inform you that he has, in compliance with a resolution of your honorable body transmitted today to the legislature of Maine the concurrent resolution of the legislature of your state, relative to the submission of a constitutional amendment providing for election of United States senators by a direct vote of the people.

Very respectfully,  
ORAMANDAL SMITH,  
Private Secretary.

Mr. Mansfield presented the following petition:

To the Honorable, the Legislature of the State of North Dakota:

We, the undersigned residents and taxpayers of the counties of Stark and Billings, in the state of North Dakota, most earnestly petition your honorable body to set off the territory hereinafter described, now forming a part of said counties of Stark and Billings, in said state of North Dakota, and attach the same to the county of Williams, in said state, for all judicial and political purposes, to-wit:

Townships 149, 150, 151, 152, 153, 154, ranges 94, 95, 96, 97, 98, 99, 100, 101, 102 and 103, constituting all that territory north of the twelfth standard parallel embraced within the said counties of Stark and Billings.

Our reasons for being detached from the said counties of Stark and Billings and for being attached to the county of Williams are the great distance we are located from our present county seats, and the great inconvenience and expense we are necessarily put to in reaching the county seats of said Stark and Billings counties to transact any legal, criminal or civil business.

And your petitioners will ever pray, etc.

A. F. NOBLE,  
(and 48 others).

#### REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Have had the same under consideration and recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the words "ninety days" and inserting the words "sixty days," and the following words be added after section 4791, "unless the amount paid the contractor be for actual labor performed."

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed and

The report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Have had the same under consideration and recommend that the same be amended as follows:

On page 1 of the printed bill, strike out all of the words in the title after the word "act," and insert in lieu thereof the words, "to amend section 75, of chapter 126, of the session laws of 1897."

On page 1, line 4, after the word "on," strike out the words "delinquent taxes and."

On page 2, after section 1, insert the following words: "Section 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

In the emergency clause change the section from number "2" to number "3."

And when so amended recommend that the same do pass.

L. B. HANNA,

Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 106,

A bill for an act providing that state debts shall have preference in case of insolvency.

Have had the same under consideration and recommend that the same do not pass.

L. B. HANNA,  
Chairman.

Mr. Hanna moved

That the report be adopted.

Which motion prevailed, and

The report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 14, of the printed bill, after the words "amount of," strike out the figures "\$100,000.00" and insert in lieu thereof the figures "\$25,000.00."

And when so amended recommend that the same do pass.

L. B. HANNA,  
Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,  
Chairman.

## INTRODUCTION OF SENATE BILLS.

Mr. Porter introduced

Senate bill No. 128,

A bill for an act compelling telephone companies to form connections with one another for the transmission and interchange of messages in certain cases.

Mr. McCanna introduced

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Mr. Arnold introduced

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Mr. Arnold introduced

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Mr. Marshall introduced

Senate bill No. 132,

A bill for an act to amend chapter 67 and 68 of the penal code of the Revised Codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Mr. Marshall introduced

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

The senate returned to the eighth order of business.

Mr. McGillivray moved that

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Be recalled from the house on account of an error made in engrossing,

Which motion prevailed.

Mr. Little moved that

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled



"an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899

Be recommitted to the committee on judiciary,

Which motion prevailed

The secretary announced that the president was about to sign Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Mr. Marshall asked unanimous consent to introduce an appropriation bill,

Which consent was granted.

Mr. Arnold asked unanimous consent to introduce an appropriation bill,

Which consent was granted.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 128,

A bill for an act compelling telephone companies to form connections with one another for the transmission and interchange of messages in certain cases.

Was read the first and second times, and

Referred to the committee on railroads.

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Was read the first and second times, and

Referred to the committee on federal relations,

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 132,

A bill for an act to amend chapter 67 and 68 of the penal code of the Revised Codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medi-

cine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 14, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours.

J. G. HAMILTON,  
Chief Clerk.

### THIRD READING OF HOUSE BILLS.

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 23, nays 6, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,

Messrs—

Marshall,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sharpe,  
Slotten,

Those voting in the negative were:

Messrs—

Hanna,  
Luke,

Messrs—

McCanna,  
Porter,

Messrs—

Sanborn,  
Twichell.

Absent and not voting, Messrs. Hegge and Murphy, who were excused.

So the bill as amended passed and the title was agreed to.

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 1, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McCarten,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cox,  
Hegge,

Messrs—

McDougal,  
McGillivray,

Messrs—

Murphy,  
Porter,

Mr. LaMoure voted in the negative.

Messrs. Hegge and Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Hegge,

Messrs—

McDougal,  
McGillivray,

Messrs—

Murphy,  
Slotten,

Messrs. Fuller of Stutsman, Hegge, McDougal, McGillivray and Murphy being excused.

So the bill as amended passed and the title was agreed to.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 10, 1899.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 5,

A bill for an act to amend section 95 of chapter 126 of the laws of 1897, being an act entitled "Revenue and Taxation."

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

#### THIRD READING OF HOUSE BILLS.

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Was read the third time.

Mr. Sharpe moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Dunlap,	McCanna,
Arnold,	Fuller, Pembina	McCarten,
Baker,	Hanna,	Porter,
Cashel,	Laidlaw,	Sanborn,
Cooper,	Levang,	Sharpe,
Cox,	Luke,	Slotten,
Cronan,	Mansfield,	Twicheh.
Creel,	Marshall,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
LaMoire,	Little,	Noble,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller, Stutsman,	McDougal,	Murphy,
Hegge,	McGillivray,	

Messrs. Fuller of Stutsman, Hegge, McDougal, McGillivray and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. McCanna moved

That the vote by which House bill No. 40 was passed, be reconsidered,

Which motion prevailed.

Mr. Little moved that section 2 of

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Be stricken out,

Which motion prevailed.

Mr. Noble moved that

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Be made a special order for tomorrow (February 15, 1899), at 2:30 p. m.,

Which motion prevailed.

The secretary announced that the president was about to sign



## CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate concurring:

That the senators and representatives of the state of North Dakota, in the national congress be requested to favor and assist in securing a fair and liberal service pension to every union soldier veteran of the civil war, not already a pensioner, regardless of any disability accruing from said service or since, whenever said soldier shall have arrived at the age of sixty-two years."

The following clerks were sworn in for the engrossing and enrolling force: Mrs. Ava Smith, Miss Gunda Slotten, Mrs. Marie Belknap, John Bastrom, Samuel Parker.

Mr. Cashel moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## FORTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 15, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Murphy, who was excused.

Mr. McCarten moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Creel, Cronan and Cashel a committee to correct and revise the Journal of the forty-third day.

### PETITIONS AND COMMUNICATIONS.

Mr. Cox presented the following petitions :

To Hon. A. B. Cox, Senator from Barnes county, North Dakota :

We, the undersigned, citizens of Barnes county, state of North Dakota, and legal voters therein, do hereby most respectfully request that you use your influence, and vote, to secure the passage of the temperance commissioner bill, now pending before the state legislature, in such form as will best secure the enforcement of the law regulating the sale of intoxicating liquors within the state of North Dakota. And this your petitioners will ever pray.

J. R. BEEBE,  
(and 26 others.)

Referred to the committee on temperance.

To the Honorable A. B. Cox, Senator from Barnes County, North Dakota:

We, the undersigned, mothers, wives and sisters of Sanborn, North Dakota, do hereby most respectfully request that you use your influence and vote to secure the passage of the temperance commissioner bill now pending before the state legislature.

MRS. MARY H. BARTON,  
(and 11 others.)

To the Senate of the State of North Dakota :

The undersigned petition your honorable body to pass a bill to increase the penalty for Sabbath breaking, which is now but one dollar.

MRS. A. J. FARROW,  
(and 29 other ladies and 6 men.)

To the Senate of the State of North Dakota:

The undersigned petition your honorable body to pass a bill to prohibit the sale and manufacture of cigarettes or cigarette paper in the state.

MRS. KATIE WINMILL,  
(and 30 other ladies and 7 men.)

Mr. Laidlaw presented the following petition :

To the Senate of the State of North Dakota:

The undersigned petition your honorable body to pass a bill to create the office of state temperance commissioner, whose duty it shall be to look after the enforcement of the prohibitory law.

MRS. KATIE WINMILL,  
(and 34 other ladies and 36 men.)

Referred to the committee on temperance.

Mr. Cronan offered the following petition:

To the Sixth Legislative Assembly of the State of North Dakota:

We, the undersigned citizens of the state of North Dakota, respectfully petition your honorable body for the passage of an amendment to the constitution providing for direct legislation, through the initiative and referendum.

THOS. KLEINOGEL,  
(and 13 others.)

Referred to the committee on temperance.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

Also,

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Also,

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys

Were delivered to his excellency, the governor, for his approval at the hour of 3:30 o'clock p. m., February 14, 1899.

E. F. PORTER,  
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Also,

Senate bill No. 83,

A bill defining certain duties of state officers.

Also,

Senate bill No. 121,

A bill for an act relating to titles to real property.

And find the same correctly engrossed.

E. F. PORTER,

Chairman.

The committee on printing made the following report:

Mr. President:

Your committee on printing to whom was referred

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Have had the same under consideration and recommend that the same do pass.

A. C. MCGILLIVRAY,

Chairman.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of 1897.

Have had the same under consideration and recommend that the same do pass.

H. F. ARNOLD,

Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House bill No. 28,

A bill for an act to amend an act entitled an act to amend

section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 83,

A bill defining certain duties of state officers.

Have had the same under consideration and recommend that the same be amended as follows:

The title be amended to read "state officers" instead of "state affairs."  
That "section 2" be added at the beginning of the last line of the bill.  
And when so amended recommend that the same do pass.

T. F. MARSHALL,

Chairman.

Mr. Little moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

Senate bill No. 87,

Concurrent resolution amending the constitution.

Have had the same under consideration and recommend that the same do not pass.

T. F. MARSHALL,

Chairman.

Mr. Noble moved

To amend the report to indefinitely postpone,

Which motion prevailed.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred



Senate bill No. 121,

A bill for an act relating to titles to real property.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "thereon" in the fourth line of section 1 insert the word "shall."

Strike out all of "section 3."

And when so amended recommend that the same do pass.

T. F. MARSHALL,

Chairman.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

February 15, 1899.

Mr. President:

I have the honor to return herewith

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

As per request of the senate.

Also,

I have the honor to transmit herewith

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours.

J. G. HAMILTON,

Chief Clerk.

### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the thirty-ninth day and recommend the following corrections:

On page 2, eighteen lines from bottom of page, following the words "where the corporation is interested," add the following, viz: "And find the same correctly engrossed."

And when so amended recommend that the Journal of the thirty-ninth day be approved.

A. B. COX,  
CHAS. DUNLAP,  
J. L. CASHEL,

Mr. Cashel moved that

Senate bill No. 114,

A bill for an act to provide for the furnishing and maintenance of the Institution for Feeble Minded located at or near the city of Grafton, North Dakota.

Be recalled from the committee.

The following resolution was presented by Mr. Cox:

### JOINT RESOLUTION

By the Senate and House of Representatives of the Sixth Legislative Assembly of the State of North Dakota in re Major Frank White of the First North Dakota Volunteer Infantry:

Whereas, Major Frank White, senior major of the First North Dakota volunteer infantry now on duty in the Philippines, has faithfully served the state of North Dakota in his capacity as representative and state senator for the Fifteenth Legislative district during the legislative sessions of 1891, 1893, 1895 and 1897; and,

Whereas, We, the members of the Sixth Legislative assembly of the state of North Dakota well know the honor, honesty and ability of Major White; and,

Whereas, He has repeatedly shown his aptitude in the management of difficult situations, and has undoubtedly made a study of the conditions prevailing at Manila with a view to their amelioration by executive or legislative action.

Now, Therefore, Be it resolved, that we, the senators and representatives of the Sixth Legislative assembly of the state of North Dakota commend Major Frank White to the president of the United States as a person of excellent character and education, and respectfully suggest that he be employed by the president in such executive, advisory or legislative capacity at Manila or in the Philippine islands as may become advisable.

The courtesies of the floor were extended to Alden Eaton, Bartlett Sepper, M. Williams, E. E. May, M. A. Baldwin, A. L. Beggs, Dr. Forbes.

### INTRODUCTION OF SENATE BILLS.

Mr. Ames introduced

Senate bill No. 134,

A bill for an act amending chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Mr. Ames introduced

Senate bill No. 135,

A bill for an act to provide for the making of tax deeds for lands sold for delinquent taxes in the year 1897 and prior thereto, and for lands hereafter sold under the provisions of chapter 126, laws of 1897, and to define the force and effect of all such deeds, and

the title thereby conveyed, and to provide a uniform limitation for actions brought to vacate tax deeds upon lands so sold.

Mr. McDougal introduced

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes relating to compensation of clerks of the district courts.

Mr. McDougal introduced

Senate bill No. 137,

A bill for an act to amend section 2068 of the Revised Codes relating to compensation of county judges.

Mr. McCanna introduced

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Mr. Sanborn introduced

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Mr. McGillivray introduced

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Mr. McCarten moved

That the rules be suspended, and all senate bills introduced be given their first and second readings and referred,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 134,

A bill for an act amending chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Was read the first and second times, and

Referred to the committee on state affairs.

Senate bill No. 135,

A bill for an act to provide for the making of tax deeds for lands

sold for delinquent taxes in the year 1897 and prior thereto, and for lands hereafter sold under the provisions of chapter 126, laws of 1897, and to define the force and effect of all such deeds, and the title thereby conveyed, and to provide a uniform limitation for actions brought to vacate tax deeds upon lands so sold.

Was read the first and second times, and

Referred to the committee on ways and means.

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes relating to compensation of clerks of the district courts.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 137,

A bill for an act to amend section 2068 of the Revised Codes relating to compensation of county judges.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Was read the first and second times, and

Referred to the committee on highways, bridges and ferries.

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Was read the first and second times, and

Referred to the joint committee on game and fish.

### SPECIAL ORDERS.

Mr. Arnold in the chair.

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to

hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 30, nays none, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCanna,
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	McDougal,
Cashel,	Laidlaw,	McGillivray,
Cooper,	LaMoure,	Noble,
Cox,	Levang,	Porter,
Cronan,	Little,	Sanborn,
Creel,	Luke,	Sharpe,
Dunlap,	Mansfield,	Slotten,
Fuller, Pembina	Marshall,	Twichell.

Absent and not voting Mr. Murphy.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. McCanna moved

The following amendment

Page 6, section 7, line 10, after the word "goose," add the word "crane."

Which motion prevailed and

Amendment was adopted.

Mr. McCanna moved

To amend as follows:

On page 7, line 15, after the word "line," add "or decoy of paper, tin, rubber, cloth, or any device for the purpose of decoying any of said birds."

Roll call demanded.

The roll was called and there were ayes 9, nays 20, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Cronan,	McCanna,
Arnold,	Dunlap,	McDougal,
Cashel,	Hanna,	Noble,

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Laidlaw,	McCarten,
Cooper,	LaMoure,	McGillivray,
Cox,	Levang,	Porter,
Creel,	Little,	Sanborn,
Fuller, Pembina	Luke,	Sharpe,
Fuller, Stutsman,	Mansfield,	Slotten,
Hegge,	Marshall,	



Absent and not voting, Messrs. Murphy and Twichell.

Mr. Murphy being excused.

So the amendment was lost.

Mr. Sharpe moved that

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Be recommitted.

Which motion prevailed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 15, 1899.

To the Senate:

I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 15,

A bill for an act to appropriate the sum of \$500 as a reward for the capture of the murderers of the Spicer family in Emmons county.

Also,

Senate bill No. 86,

A bill for an act to amend section 432 of the Revised Codes of North Dakota relating to the revocation of the license of attorneys.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

The committee on warehouses and grain grading made the following report:

Mr. President:

Your committee on warehouses and grain grading to whom was referred

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out in line 8 of the printed bill, after the word "in," the following: "storage or for the purpose of being used as seed," and insert in lieu thereof the following: "elevators, warehouses or granaries."

And when so amended recommend that the same do pass.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved

That the majority report of the committee be adopted.

The question being on the adoption of the majority report,

Which motion prevailed, and

The majority report was adopted.

A minority of your committee on warehouses and grain grading make the following report:

Mr. President:

A minority of your committee on warehouses and grain grading to whom was referred

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Have had the same under consideration and dissent from the majority opinion and recommend that it be further amended, to-wit:

In line 9, of printed bill, "one cent" be inserted where "one-half cent" occurs.

In line 10, of printed bill, "one-half" be inserted where "one-third" occurs.

In line 10, of printed bill, "one-third" be inserted where "one-fourth" occurs.

And when so amended recommend that the same do pass.

T. TWICHELL,  
J. A. McDUGAL,  
A. SLOTTEN.

Mr. Noble moved, as a substitute,

The adoption of the minority report.

Roll call demanded.

The roll was called and there were ayes 14, nays 16, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Stutsman,  
Levang,  
Marshall,  
McDougal,

Messrs—

Noble,  
Sanborn,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Baker,  
Cooper,  
Cox,  
Fuller, Pembina  
Hanna,  
Hegge,

Messrs—

Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Porter,  
Sharpe,

Absent and not voting, Mr. Murphy.

Mr. Murphy being excused.

So the substitute was lost.

Mr. Marshall moved that

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state or North Dakota.

Be made special order for Friday, February 17, 1899, at 2:30 p. m.

Roll call demanded.

The roll was called and there were ayes 15, nays 15, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Stutsman,  
Levang,  
Marshall,  
McCarten,

Messrs—

McDougal,  
Noble,  
Sanborn,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Baker,  
Cooper,  
Cox,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,

Messrs—

Mansfield,  
McCanna,  
McGillivray,  
Porter,  
Sharpe,

Absent and not voting, Mr. Murphy.

Mr. Murphy being excused.

So the motion was lost.

### THIRD READING OF SENATE BILLS.

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Was read the third time.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed, and  
The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays 1, absent and not voting 1.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Mr. Noble voting in the negative.

Absent and not voting. Mr. Murphy.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 89,

A bill for an act to amend section 4791 of the Revised Codes of North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Murphy,

Messrs—

Noble,

Messrs—

Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Was read the third time.

Mr. Noble moved to add section 2.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoire,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Creel,

Messrs—

Fuller, Stutsman,

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Was read the third time.

Mr. Cooper moved

The report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

LaMoire,

Messrs—

Luke,

Messrs—

Murphy,



Mr. Murphy being excused.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 15, 1899,

Mr. President:

I have the honor to transmit herewith

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Also,

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Also,

House bill No. 111,

Proposed amendment to the constitution of the state of North Dakota.

All of which have passed the house and your favorable consideration thereof is respectfully requested.

Also,

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Which the house has passed unchanged.

Also,

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

### FIRST READING OF HOUSE BILLS.

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Was read the first time.

Also,

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Was read the first time.

Mr. Arnold moved

That the rules be suspended and all House bills be given their second reading and referred.

Which motion prevailed.

### SECOND READING OF HOUSE BILLS.

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Was read the second time, and

Referred to committee on public printing.

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Was read the second time, and

Referred to the committee on railroads.

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Was read the second time and

Referred to the committee on judiciary.

House bill No. 111,

Proposed amendment to the constitution of the state of North Dakota.

Was read the second time, and

Referred to the committee on state affairs.

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Was read the second time, and

Referred to the committee on state affairs.

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Was read the second time, and

Referred to the committee on cities and municipalities.

### THIRD READING OF HOUSE BILLS.

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Hegge,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Laidlaw,  
Luke,

Messrs—

McDougal,  
Murphy,

Messrs—

Twichell.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.  
Mr. Little moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,  
Secretary.

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## FORTY-FIFTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 16, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.  
The president presiding.  
Prayer by the chaplain.  
Roll called.

All members present, except Messrs. Murphy and Fuller, of  
Stutsman, who were excused.

Mr. McGillivray moved

That the reading of the Journal be dispensed with and the  
president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Mansfield, Luke and Slotten,  
committee to correct and revise the Journal of the forty-fourth  
day.

The following communication was received from the governor  
of Nevada:

EXECUTIVE CHAMBER,  
CARSON CITY, Nevada,  
February 11, 1899.

To the Honorable Senate and House of Representative of the  
State of North Dakota:

In acknowledgment of the receipt of joint resolution from

North Dakota, relative to the election of United States senators by the direct vote of the people of the several states, I have the honor to inform you that the enclosed resolution was adopted by the legislature of the state of Nevada February 7, 1899, and that a copy has been sent to each of our senators and representatives in congress.

Very respectfully,  
REINHOLD FEDLER,  
Governor.

### REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all of said bill before and after the enacting clause, and substitute in lieu thereof the following bill, entitled

Substitute for House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred



Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the printed bill, after the word "appropriated," strike out the words "the sum of five hundred twenty-five dollars," and insert in lieu thereof the words "three hundred dollars in full payment of the account."

And when so amended recommend that the same do pass.

T. TWICHELL,

Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Have had the same under consideration and recommend that the same be amended as follows:

After the words "the sum of," in line 2 of the printed bill, strike out the word "eight" and insert in lieu thereof the word "five."

And when so amended recommend that the same do pass.

T. TWICHELL,

Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense

of construction of drains through school lands situated in Pembina county.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "of" in line 2, section 1 of the printed bill, strike out the words "\$2,672.38" and insert in lieu thereof the words "\$2,872.38."

After the words "\$651.05" in line 4, section 2, of the printed bill, add the words "and the further sum of \$200.00 for other expenses incurred."

And when so amended recommend that the same do pass.

T. TWICHELL,

Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In section 1, of said bill, after the words "sum of," strike out the words "nine hundred dollars (\$900) annually," and in lieu thereof insert the words "six hundred dollars (\$600) biennially."

And when so amended recommend that the same do pass.

T. TWICHELL,

Chairman.

Mr. McGillivray moved

The adoption of the report,  
Which motion prevailed and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 50,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out all of section 1 after the word "court," in line 6 thereof, and adding in lieu thereof as follows: "To be held in the city of Fargo and the city of Grand Forks, shall be held in some suitable place, such place to be provided by the county commissioners in the county in which such city is located, and in case a suitable place is not provided without expense to the state, the judges of such court, or a majority thereof, may adjourn such term to the city of Bismarck."

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

Mr. Hanna moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 95,

A concurrent resolution for an amendment to the constitution providing for direct legislation.

Have had the same under consideration and report the same back without recommendation.

Also,

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made,

and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,

Chairman.

The committee on federal relations made the following report:

Mr. President:

Your committee on federal relations to whom was referred Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Have had the same under consideration and recommend that the same do pass.

D. W. LUKE,

Chairman.

The committee on warehouses, grain and grain grading made the following report:

Mr. President:

Your committee on warehouses, grain and grain grading to whom was referred

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Have had the same under consideration and recommend that the same be amended as follows:

By adding in lines 4, 8 and 9 of the printed bill after the words "grist mills" the following: "Except grist mills doing only a custom or exchange business."

Also, by striking out all of "section 2."

And when so amended recommend that the same do pass.

J. B. SHARPE,

Chairman.

Mr. Sharpe moved

The adoption of the report,

Which motion prevailed and

The report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 28,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for ascertaining the value as nearly as pos-

sible for the assistance of assessors in the assessment of their property and the taxation of the same.

Have had the same under consideration and recommend that the same be amended as follows:

Page 3, line 2 of section 2 in the printed bill after the word "and" strike out the word "thirtieth" and insert in lieu thereof the word "fifteenth."

Page 5, line 3 of section 4 strike out the word "thirtieth" and insert in lieu thereof the word "fifteenth."

Page 6, line 4 of section 4 after the word "said" strike out the word "thirtieth" and insert the word "fifteenth."

And when so amended report this bill back to the committee of the whole without recommendation.

L. B. HANNA,

Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed and

The report was adopted.

The committee on temperance made the following report:

Mr. President:

A majority of your committee on temperance (two dissenting) to whom was referred

Substitute for Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and to provide means for the enforcement of the provisions of said chapter 63.

Have had the same under consideration and offer in lieu thereof a substitute bill to be known as

Substitute for Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and to provide means for the enforcement of the provisions of said chapter 63.

And recommend that the same do pass.

R. C. COOPER,

Chairman.



The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

#### REPORT OF SPECIAL COMMITTEE.

To the Senate and House of Representatives of the Sixth Legislative Assembly of the State of North Dakota.

Gentlemen:

Your committee appointed under a joint resolution of January 13th to visit the several state institutions to inspect their needs have performed the duty assigned them, and submit the following report:

#### HOSPITAL FOR THE INSANE.

We find this institution very much crowded, it having in charge 340 patients all told. The assignment of two patients to quarters adapted to only one, in the dormitories for the female wards, is a measure which necessity has entailed upon the superintendent. In addition to expedients of this kind, we found one of the garrets, cold and uncomfortable, turned into a sleeping room for lack of better facilities. Lack of room has also compelled the mingling of the feeble minded and indigent with other classes of insane, where reasons of a sanitary nature as well as safety would command their separation.

The sanitary condition of the institution as a whole shows the most diligent supervision of this important branch of hospital management. Every apartment of the institution shows careful attention to cleanliness, ventilation and other measures promotive of the health and comfort of this unfortunate class of the state's objects of protection; considering the lack of room all patients seem well cared for and their unfortunate condition the subject of the earnest solicitude of the state's servants to whom is committed this delicate task. One specific recommendation your committee takes upon itself to make. We find the state's land, em-

ployed by the management for the partial support of the hospital is insufficient to profitably engage the patients, able and willing to work during the summer season and leased land in the neighborhood has been cultivated a few seasons past, and there has been paid in rentals each year a sum of money that would soon pay for the rented land if the same were purchased outright by the state. A tract of twenty-five acres for some time used by the institution, your committee are informed, can be purchased for a sum not exceeding five hundred dollars, and if such purchase can be made your committee recommend that an appropriation be made for that object.

Your committee recommend the following sums for this institution:

Maintenance .....	\$50,000
Paints and oils .....	200
Incidental expenses and repairs .....	1,000
Engine room and supplies .....	400
Drugs and medicines .....	1,200
Employees' wages .....	30,000
Fuel .....	18,000
Electrical repairs .....	300
Fire department .....	500
Blacksmith shop .....	150
Return of patients and burial of dead .....	1,200
Beds, bedding and furniture .....	500
Chaplain, library and amusements .....	400
Laundry supplies .....	200
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Total .....	\$104,050
Purchase of additional land .....	1,250
<hr/>	
Grand total .....	*\$105,300

#### AGRICULTURAL COLLEGE.

Your committee found in the Agricultural College at Fargo an institution fully justifying the expenditures of state and national funds made at that point. It is the source of very valuable theoretical and experimental information disseminated throughout the state, yielding the most substantial results. Reports and exhibits presented to your committee of the profitable application of the information furnished show that the expenditure of public funds through this channel is by no means a sentimental employment of money appropriated. Farmers throughout the state are employing

in their daily work upon the soil, and in the care and handling of its products, methods that are the result of the most careful and scientific experimental work of experienced and qualified investigators. It is to be deplored that the resources of the state will not justify the full recommendation that your committee are prompted to make.

The class of students and their interest in the work pursued by them would challenge the attention of every thoughtful visitor. The young men seem imbued with an enthusiastic ambition in the pursuit of the practical as well as the ornamental phases of education. Every branch of practical agriculture, as well as the scientific principles of highly developed and useful husbandry, are contemplated in their course of training. The repair, care and preservation of farm machinery, as well as the creation of the more common implements used in farm work are as carefully taught, as well as the chemical features of soil and food composition, and the functions of the various elements of nature in the production of crops. The young men seem as earnest in their pursuits as the attendants of the other institutions of the state who are looking forward to the more public and enterprising careers of professional and commercial life. The young lady attendants are undergoing a very careful training in the economic and domestic duties that the home and farm life entail upon the future wives and matrons of the state; and while a pronounced stress is laid upon the development of skill in this line, the general features of education have the same care and attention that are bestowed upon the purely academic students.

While we notice the excellent equipment of this institution the cramped condition of the laboratory, employed for the chemical and geological study and experiment, forces itself upon our attention. These quarters are decidedly inadequate. The appropriations of the last session were most economically and usefully applied, still the want is felt for more room for scientific demonstration and instruction in the presence of classes, and the recommendations of the manager of that department in the institution's fourth biennial report are in no degree overdrawn.

Coming to the items of appropriations your committee submit the following as needful:

For library, furniture and fixtures .....	\$300
For librarian .....	300
For printing and stationery .....	600
For engineer, watchman and janitors .....	3,000
For preparatory instructor .....	3,000

For fuel .....	\$4,500
To enlarge mechanical building for wood and iron work ..	4,000
For miscellaneous expenses .....	12,000
<hr/>	
Total .....	\$27,700

### STATE UNIVERSITY.

This institution enjoys a larger history than any of its fellows; its merits have challenged recognition beyond our state. It ranks favorably in thoroughness of training and wide range of study it affords with others of a similar class. In equipment, however, for the great work expected of it it is not as richly endowed as those of many of our sister states, and portrays the cramped resources from which its needs must be furnished. The military training that is made a prominent feature of instruction is a valued adjunct to the course its students enjoy. The institution needs a drill, hall affording ample facilities in the winter time for the manoeuvres their training requires.

As is said of another institution, the test of the recent severe weather shows that some needed repairs must soon be made. Many of the pupils were obliged to abandon their quarters on account of cold occasioned by the defects time, wear and tear on the building have produced. Increase in attendance at this institution has pressed its needs more closely upon us.

Your committee have carefully examined the proposition embodied in senate bill No. 59 and recommend the adoption of that measure, believing that the yield of revenue would keep pace with the needs of the university and secure and maintain its growing efficiency.

### THE SCHOOL FOR THE DEAF.

The School for the Deaf has more urgent needs than any other institution in the state. There is not sufficient room in the present building for over thirty pupils, yet there are fifty crowded together there; twenty-nine girls are sleeping in a room 25x31 feet and everything else is crowded in like proportion. The present attendance represents but about half of the deaf of the state of school age. There are nineteen applications now on file, and for these there is no room. Our deaf must be cared for and educated and more room must be provided. The present building needs a new roof, new floors in many rooms, paintings and calcimining, besides many minor improvements. Twenty-seven wood stoves.



represents the heating plant. Under such an existing condition, the building is simply a fire trap, and the wonder is that it has not burned down before this. It seems little short of criminal to leave these helpless children exposed to such a danger. A steam plant should be put in without any further delay.

There is no sewerage and water is hauled from town. Health is constantly jeopardized on account of this. There is not a room in the house available for a hospital, and the officers of the institution would be simply powerless in the face of an epidemic of contagious disease. The facilities in the laundry are practically nothing. As a whole, the equipment at the command of the superintendent is wholly inadequate and it is absolutely necessary that a radical change be made in it. The children are making excellent progress and their appearance and demeanor are sufficient evidence that they are receiving every care and attention possible. Everything about the institution is neat and clean and upon every hand there is evidence that painstaking care is exercised by the superintendent and his assistants. That economy has been reduced to a system is evident as the per capita cost of maintenance the past year has been \$199 less than that of the school in Montana, \$37 less than that in South Dakota and \$25 less than in Manitoba, which institutions have about the same attendance as the school in our state

We cannot ignore the great needs of this noble institution for funds for improvements and support. We therefore recommend the following appropriations:

For maintenance .....	\$10,500
For salaries .....	9,450
For wages .....	4,600
For fuel .....	2,400
For lights .....	800
For furniture and bedding .....	1,700
For books and school supplies .....	850
For drugs and medical attendance .....	600
For books and school supplies .....	550
For feed of stock .....	600
For incidentals and ordinary repairs .....	1,850
For completion of present building and repairs on same..	10,000
For heating plant .....	2,800
For sewerage and plumbing .....	2,700
For hospital building .....	1,800
For laundry .....	1,000
Total .....	\$51,650



## SOLDIERS' HOME.

A higher sentiment than charity brought into being this institution, and the demands of patriotism urge its continued support. The members of your committee who visited it find the Soldiers' Home well and economically managed; its buildings in good repair. The industrial employment of this class of the state's ward is shown by its root cellar and its rich contents. The commandant and matron are diligently observant of the comfort of their charges, as are evidenced by the testimonials their proteges furnish. The institution needs improvements, and your committee's recommendations are as follows:

Salary of commandant .....	\$1,200
Salary of matron .....	600
Wages of employes .....	1,800
Maintenance .....	7,000
Drugs and medical attendance .....	600
Clothing .....	800
Transportation .....	200
Repairs .....	300
Fuel, lights and water supply .....	1,000
Total .....	\$13,500

## MAYVILLE NORMAL SCHOOL.

This institution shows evidence of a most careful and economical management; the expenditures have been wisely made, and within the limits set by appropriations at the last session. Fully as prominent in this institution, as in many others, is the fact that the increased attendance has rendered inadequate its present facilities. The institution was never furnished with a room suited to the assembling of the entire school, which is often necessary in the work of instruction. The need of such a room has made necessary the division and subdivision of classes, which militate against good results. If the resources would justify it, the demand for additional wing to afford the needed room ought to be made; and as it is, the most consideration of this want of the Mayville Normal School is by your committee pressed upon the attention of the legislature.

One want that our investigation revealed must have your present favorable action. The incomplete sewerage possessed by the institution in the coming warm season would invite the attention of the police and health authorities of the locality, unless remedial

action is taken at this session of the legislature. The health of the surrounding community, as well as that of the attendants and officers of the institution, require certain indispensable improvements to be made; availing ourselves of the experience and judgment of a member of your committee versed upon such subjects, the granting of the item of appropriation suited to meet this difficulty and designated in the bill now before you as "completing sewer, \$1,500" is urged.

This institution is fortunate in the personnel of its boards of instruction and management. Since the last session of the legislature the principalship of the school has been changed. The new incumbent, Joseph Carhart, bringing to his work a large experience in service similar to that in which he is now engaged, is advancing the institution in prestige and efficiency, while the work of his subordinates is also to be praised.

Its trustees, who, like those of its sister institution, the Valley City Normal, are working without compensation, have guarded carefully the trusts committed to them, particularly in the matter of the prudent expenditure of the state's funds placed in their hands. They have the hearty co-operation of the citizens of the community in which the institution is located, which has always responded to its every requirement where its efficiency was likely to fall short for lack of funds. The continuance of this school and its fellow at Valley City, should be one of the objects to be cherished by the state government which could not afford to lose, in our common school system so liberally endowed by the federal government, the efficient teachers now at work in the state who received their culture, skill and training at the hands of these twin institutions.

We recommend the following appropriations:

For teachers' salaries .....	\$15,000
For janitor .....	1,200
Incidentals .....	1,500
Fuel and lights .....	2,500
Repairs .....	500
Library and scientific apparatus .....	100
Completing sewer .....	1,500
Total .....	\$22,300

#### VALLEY CITY NORMAL SCHOOL.

This institution, like its sister at Mayville, presses earnestly upon our attention its many needs. The buildings lack many

minor repairs, embracing broken ceiling, shrunken window casing and other defects, the result of wear and tear, which render unhealthy and uncomfortable many of the apartments thereof; the recent severe weather, during which your committee made its visit, although exceptional in degree, served to accent emphatically the wants of this character. The basement of the building has never been completed, the students have always lacked suitable cloak rooms, the need of which is imperfectly supplied by various clumsy arrangements, the members being sent to different apartments, some in the basement and some elsewhere, and even rooms designed for very different purposes are utilized for this object.

The water supply afforded the building is not completely distributed. The appliances possessed for the extinguishment of fire would render deplorable service in such an emergency. This feature of the school's equipment has enhanced the cost of insurance, and underwriters have threatened to relinquish the risk altogether unless more adequate means are supplied for the safety of the property insured. The increased risk undertaken by insurers is occasioned by the lack of extinguishing facilities and the inadequate lighting which the management is obliged to put up with. Although the city which is the home of the institution is now furnished with a suitable electrical lighting system, the lack of means has deprived the institution of taking advantage of the modern improvements so near at hand.

Your committee are averse to affording their sanction to the creation of deficits to be met by subsequent legislation, yet we are constrained to approve the action of the managers of this school, in their radical action regarding a dangerous and expensive feature that they have removed in the past year. They have supplanted a hot air furnace of respectable antiquity with that bright scion of modern invention, the steam heating plant, at a cost of \$2,200, which now ministers to the needs of the inmates and affords a saving of \$500 annually to the state; your committee cheerfully recommend the appropriation to meet this outlay.

We recommend that the building be put in good repair, the windows corked and casings fitted, and repairs on ceiling are absolutely necessary, the steel ceiling of modern use be substituted for the old material used at the construction of the building.

There are now in attendance at this school 140 students, and a practice class of thirty scholars from the city school are receiving instruction from the institution's normal students, and this work exhibited to us demonstrates the thoroughness of the professional training there afforded.

The students here are mostly from the southern portion of the

state, the representation being widely distributed. The school is still under the charge of its veteran head, Professor McFarland, who is assisted by an exceptionally able corps of nine instructors.

The efficiency of its board of management and the generous loyalty of the surrounding community are as marked as those we have observed in its sister institution.

The state's pride suffers nothing in the efficiency shown at this place.

Your committee recommend the following appropriation:

For salary faculty .....	\$15,000
For incidental purposes .....	2,000
For fuel .....	2,000
For calcimine and repairing walls .....	100
For equipping with water and sewer .....	500
For repairing and painting roof .....	150
For pointing brick foundation and brick work.....	50
Completing the basement .....	1,000
For heating plant .....	2,500
For improvement of grounds .....	.....
For electric lighting .....	235
For janitor fund .....	1,200
For library and apparatus .....	100
For furniture .....	300
Total .....	\$25,135

#### STATE PENITENTIARY.

This institution was visited by your committee and its wants thoroughly canvassed. During the past two years an appropriation of \$3,000, made at the last session of the legislature, has been used in the construction of a residence for the warden. This has afforded considerable room in the institution buildings proper, thereby multiplying the convenience therein. The increase of commitments is forcing upon the state the necessity in the immediate future of additional cell room. Your committee, however, do not urge this subject at this time. A careful review of the needs to be supplied suggests the following items of appropriation:

Deputy warden's salary .....	1,800
Matron and housekeeper .....	600
Guards and employes .....	12,000
Maintenance .....	16,000
Heating and lighting .....	4,500



Repairs and improvements .....	1,000
Incidentals .....	600
Physician and medicines .....	1,500
Transportation, clothing and temporary aid, discharging inmates .....	2,500
Clothing for inmates .....	1,200
Bedding .....	400
Books, stationery, etc .....	300
Water supply .....	1,500
Electric light plant .....	2,500

Total ..... \$49,100

Respectfully submitted,

F. W. AMES,  
D. W. McCANNA,  
W. D. ALLEN,  
R. B. BOYD,  
F. C. DWIRE.

Committee.

Mr. Cashel moved

That the report be adopted, and printed in the Journal,  
Which motion prevailed.

The committee on revision and correction of the Journal made the following report:

Mr. President:

Your committee on revision and correction of the Journal of the forty third day have examined the same and find it correct.

H. M. CREEL,  
Chairman.

Mr. Creel moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 16, 1899,

Mr. President:

I have the honor to transmit herewith

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North



Dakota 1895, relating to what territory may be organized into district school corporations.

Also,

Concurrent resolution proposing an amendment to section 179 of the constitution.

Which the house has passed and your favorable concurrence therein is respectfully requested.

Also,

Senate bill No. 66,

A bill for an act to amend section 6731 of the Revised Codes of 1895, relating to the sale of personal property under execution.

The further consideration of which the house has indefinitely postponed.

Also,

House bill No. 109,

A bill for an act to amend section 481 of the Revised Codes of North Dakota, relating to election precincts.

Also,

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Also,

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Also,

Substitute for House bill No. 91,

A bill for an act fixing the salary of county judge in the different counties and mode of determining the same.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON.

Chief Clerk.

#### MOTIONS AND RESOLUTIONS

Mr. Sanborn presented the following resolution :

Whereas, Any semblance of official toleration, recognition or sanction of the practice of polygamy threatens the sacredness of the Christian institution of matrimony, and

Whereas, The state of Utah has elected to the congress of the United

States to participate in its deliberations and have voice in the framing of legislation, an avowed and practicing polygamist; therefore, be it

Resolved by the senate of the Sixth legislative assembly of the state of North Dakota, that the sentiment of this body is opposed to the presence in the national house of representatives of Brigham H. Roberts as a congressman; and be it

Further Resolved, That a copy of this resolution be forwarded to the representative of the state of North Dakota in the national house of representatives, to be by him presented to the attention of that body.

Mr. Sanborn moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

The secretary announced that the president was about to sign Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Mr. Marshall presented the following resolution:

#### CONCURRENT RESOLUTION.

The joint committee on legislation relative to grain inspection introduced the following concurrent resolution:

To the Honorable, the Governor and Legislature of the State of Minnesota:

Resolved by the Senate, the House of Representatives Concurring:

Whereas, There have been many complaints of the lack of uniformity in grading of grain at Minneapolis and Duluth under the Minnesota law, resulting in great loss to our wheat growers and shippers; and,

Whereas, The joint committee of the house and senate appointed to aid in securing legislation looking to relief from this condition after a careful investigation of the subject, believe that the measure known as the McCollom bill providing for the appointment of appeal boards at Minneapolis and Duluth, is a measure which, if it becomes a law, will in a great degree afford the desired relief; and,

Whereas, The McCollom bill is now pending in the Minnesota legislature;

Therefore, Be it Resolved, That the legislature of Minnesota is hereby earnestly requested to enact the said McCollom bill; and,

Be it Further Resolved, That the governor of Minnesota be earnestly requested to approve said measure should it be enacted by the legislature, and should it become a law with the appointing power vested in the governor, we earnestly request him to carefully consider the interests of the North Dakota producers and shippers in making his appointments, and,

Resolved, That the secretary of state is hereby instructed to forthwith transmit copies of this resolution to Hon. John Lind, governor of Minnesota, and to the senate and house of representatives of the state of Minnesota.

Mr. Marshall moved  
The resolution be adopted,  
Which motion prevailed, and  
The resolution was adopted.

The secretary announced that the president was about to sign  
House bill No. 46,

A bill for an act to amend sections 1447, 1448, 1450, 1452, 1453, 1454, 1457 and 1466 of the revised codes, relating to the establishment, construction and maintenance of drains.

The courtesies of the floor were extended to Dr. C. H. Potter, Geo. A. McFarland and H. A. Soule.

#### INTRODUCTION OF SENATE BILLS.

Substitute for Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and to provide means for the enforcement of the provisions of said chapter 63.

Introduced by committee on appropriations.

Senate bill No. 141,

A bill for an act repealing section 1587 of the Revised Codes of the state of North Dakota.

Mr. McCarten moved

That the rules be suspended and all bills introduced be given their first and second readings and referred,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Substitute for Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and to provide means for the enforcement of the provisions of said chapter 63.

Was read the first and second times, and  
Referred to the committee on temperance.

Senate bill No. 141,

A bill for an act repealing section 1587 of the Revised Codes  
of the state of North Dakota.

Was read the first and second times, and  
Referred to the committee on appropriations.

### THIRD READING OF SENATE BILLS.

Mr. Ames moved  
To amend the title of  
Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of  
1897.

So as to read  
Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of  
1897, relating to elections.

Which motion prevailed.

Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of  
1897.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 18, nays 7, absent  
and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,

Messrs—

Dunlap,  
Fuller, Pembina  
LaMoure,  
Levang,  
Luke,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Slotten,

Those voting in the negative were:

Messrs—

Baker,  
Hanna,  
Hegge,

Messrs—

Laidlaw,  
Marshall,

Messrs—

McGillivray,  
Sharpe,

Absent and not voting:

Messrs—

Creel,  
Fuller, Stutsman,

Messrs—

Little,  
Mansfield,

Messrs—

Murphy,  
Twichell.

Messrs. Fuller of Stutsman and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Senate bill No. 83,

A bill defining certain duties of state officers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Creel,

Messrs—

Fuller, Stutsman,

Messrs—

Murphy,

Messrs. Murphy and Fuller, of Stutsman, being excused.

So the bill passed and the title was agreed to.

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Was read the third time.

Mr. Porter moved to amend Senate bill No. 96 as follows:

Insert "three-fourth cent" where "one-half cent" occurs; "two-fifth cent" where "one-third cent" occurs; and "one-third cent" where "one-fourth cent" occurs.

Mr. Little moved

The adoption of the amendment,

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,



Absent and not voting:

Messrs—

Fuller, Stutsman,  
Murphy,

Messrs—

Noble,

Messrs—

Twichell.

Messrs. Murphy and Fuller, of Stutsman, being excused.

So the bill as amended passed and the title was agreed to.

Senate bill No. 121,

A bill for an act relating to titles to real property.

Was read the third time.

Mr. LaMoure moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

Levang,

Messrs—

Murphy,

Messrs. Fuller of Stutsman and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## FORTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 17, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by Bishop Edsall.

Roll called.

All members present except Messrs. Murphy, Fuller of Stutsman and Baker, who were excused.

Mr. McCarten moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Sharpe, McGillivray and Hegge a committee to correct and revise the Journal of the forty-fifth day.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

Was delivered to his excellency, the governor, for his approval at the hour of 4:15 o'clock, p. m., February 16, 1899.

E. F. PORTER,  
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Also,

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Also,

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Also,

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Also,

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Also,

Senate bill No. 50,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto.

Also,

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Also,

Senate bill No. 28,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for ascertaining the value as nearly as pos-

sible for the assistance of assessors in the assessment of their property and the taxation of the same.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on banks and banking made the following report:  
Mr. President:

Your committee on banks and banking to whom was referred House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In section 8, line 39, of the printed bill, after the word "security," add the words "and they shall only be upon first mortgages?"

And when so amended recommend that the same do pass.

D. W. LUKE,  
Chairman.

Mr. Luke moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The committee on banks and banking made the following report:  
Mr. President:

Your committee on banks and banking to whom was referred Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Have had the same under consideration and recommend that the same do pass.

D. W. LUKE,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Have had the same under consideration and recommend that the same be amended as follows:

By inserting in line 14, of section 1 thereof, after the word "accident," as follows, viz: "or of a minor."

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "as," before the word "assistant," in line 10, of section 1, and inserting in lieu thereof the word "an," and in the same line by striking out the word "shall" and inserting in lieu thereof the word "may," and in line 11 of said section, after the word "attorney" and before the word "who," inserting the following: "by and with the consent of the board of county commissioners," and by striking out in lines 11 and 12 of said section, beginning with the words "a salary" and ending with the word "amount," and inserting in lieu thereof as follows, viz: "such compensation as the board of county commissioners may fix."

And by striking out all of section 3 thereof.

And when so amended recommend that the same do pass.

C. B. LITTLE,

Chairman.

Mr. Little moved

The adoption of the report.

Which motion prevailed, and



The report was adopted.

The committee on ways and means made the following report :

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

Have had the same under consideration and recommend that the same be amended as follows:

On page 1 of the printed bill, after the title, insert the following enacting clause: "Be it enacted by the legislative assembly of the state of North Dakota."

And when so amended recommend that the same do pass.

L. B. HANNA,  
Chairman.

Mr. Hanna moved

That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "of" in line 2 of the printed bill strike out the words "eight hundred" and insert in lieu thereof the words "four hundred and forty."

And after the words "Leck & Leck," in line 6 of the printed bill, add the words "in full of said account."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Little moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all after section 1 of said bill and in lieu thereof insert the following:

Sec. 2. The appropriation herein made shall also cover the expense of publishing a revised edition of the Revised Codes under the direction of the secretary of state.

Sec. 3. As soon as practicable after the adjournment of the Sixth legislative assembly the secretary of state is authorized, without altering the general plan of the Revised Codes of 1895, to eliminate such sections, articles and chapters therein as shall have been repealed by the legislative assemblies of 1897 and 1899, substitute and incorporate under proper headings all new laws enacted and incorporate all amendments without change or modification, renumber the sections, articles and chapters where necessary to perfect and harmonize the statutes, and reindex and rearrange the table of contents, and in a general way supervise the compilation and have charge of the publication of the revised edition of the codes to be known as the Revised Codes of 1899.

Sec. 4. In order that said edition of the Revised Codes may be issued as speedily as possible and with the least expense to the state, the secretary of state is hereby empowered to employ one or more expert compilers and digesters who shall be learned in the law and familiar with work to be performed, and he may also employ one or more stenographers and typewriters as may in his judgment be deemed necessary to facilitate the work and prepare the copy for said publication, the same to be completed and the codes ready for delivery within six months from the adjournment of the Sixth legislative assembly.

Sec. 5. When the revision herein provided for shall be completed and the books delivered to the secretary of state, the governor shall issue a proclamation setting forth the fact and thirty days thereafter said Revised Codes shall be in full force and effect and be received as evidence of the laws of this state in all courts thereof.

Sec. 6. The secretary of state shall procure and have personal charge of the printing and binding and see to it that only the best quality of paper and material is used and the best workmanship procured.

Sec. 7. The entire cost to the state for the revision herein authorized, including all extra help required by the secretary of state, indexing, proof reading, printing and binding, shall not exceed the sum of \$3.00 per volume for 2,000 copies; provided, that when the copy of said revision is ready for the printer, the secretary of state finds that it is possible to secure for the state 2,500 copies of said Revised Codes at a cost not exceeding \$2.75 per volume, then the secretary may secure that number.

Sec. 8. After receiving sufficient number of said Revised Codes to supply the officers entitled thereto, including the members of the Sixth legislative assembly, and the public libraries with which this state may have established an interchange of books, he shall keep for sale the remainder for the benefit of the state at \$5 per volume.

Sec. 9. All vouchers for the payment of services to be performed under the provisions of this act shall be certified to according to law; the state auditor shall draw his warrant on the general fund for the amounts found due; provided the appropriation of fifteen thousand dollars per annum, hereby appropriated for public printing shall cover the cost of printing said codes.

Sec. 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 11. Whereas, An emergency exists in that the appropriation for public printing is exhausted and there is no provision to pay for the work under contract and whereas the supply of Revised Codes is exhausted and no provision or appropriation has been made for a revised edition thereof, and it will be necessary to begin the work contemplated in this act prior to July 1, 1899, therefore this act shall take effect and be in force from and after its passage and approval.

Amend the title to read as follows:

"A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor," authorizing the revision of the Revised Codes of 1895 and the publication of an edition to be known as the "Revised Codes of 1899."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Twichell moved  
That the report be adopted.  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "of" in line 9 of the printed bill strike out the words "twenty-five" and insert in lieu thereof the word "twenty."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Marshall moved  
The report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.



Have had the same under consideration and recommend that he same do pass.

L. B. HANNA,  
Chairman.

The joint committee on game made the following report:

Mr. President:

Your joint committee on game to whom was referred  
Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Have had the same under consideration and recommend that the same be referred to the committee on appropriations.

T. F. MARSHALL,  
Chairman.

Mr. Dunlap moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Have had the same under consideration and recommend that the same be referred to the committee on appropriations.

T. F. MARSHALL,  
Chairman.



Mr. Marshall moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Also,

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Also,

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Also,

Senate bill No. 134,

A bill for an act amending chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Have had the same under consideration and recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred  
Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Have had the same under consideration and recommend that the same do pass.

WESLEY BAKER,  
Chairman.

The committee on elections made the following report:  
Mr. President:

Your committee on elections to whom was referred  
The contest case of Green against McDougal for a seat in this senate,

Have had the same under consideration and report back here-with the written withdrawal of the contest by Mr. Green; and also a resolution seating Mr. McDougal, the adoption of which resolution your committee recommend.

H. F. ARNOLD,  
Chairman.

MANDAN, N. D.,  
February 17, 1899.

H. F. Arnold, Esq., Chairman Senate Election Committee:

Dear Sir: I wish to withdraw my contest for the seat in the senate now held by J. A. McDougal. I believe that in justice and fairness I am entitled to the seat, but, as the session is almost over, I cannot see where the interests of my constituents would be served by the contest being taken up now. Besides, I have no desire to rob Mr. McDougal of the credit that will come to him as a result of his arduous labors during a full term. It may be that my withdrawal would be to the best interests of the republican party in my district, and, being more of a republican than a contestant, I ask your committee to discontinue consideration of the contest.

I hereby withdraw the contest.

Yours respectfully,  
J. S. GREEN.

#### RESOLUTION.

Whereas, In the contest case of Green against McDougal for a seat in this body, the contestant has requested the withdrawal of the said contest, therefore, be it

Resolved, That the contest case of Green against McDougal is hereby dismissed and J. A. McDougal is declared duly elected to represent the thirtieth senatorial district in this senate.

Mr. LaMoure moved  
That the resolution be adopted,  
Which motion prevailed, and  
The resolution was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 17, 1899.

Mr. President:

I have the honor to transmit herewith

Joint resolution of the senate requesting President McKinley to appoint Major Frank White to some position.

Which the house has passed.

Also,

I am directed by the House to return

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

With the request that the bill be re-engrossed, the amendments being attached to the bill, it is not possible to ascertain from the bill if they are incorporated therein.

Very respectfully yours,

J. G. HAMILTON,  
Chief Clerk.

## REPORT OF SPECIAL COMMITTEE.

The committee on revision and correction of the Journal made the following report:

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-fourth day and recommend the following corrections:

On page 10, after line 11, commencing "Mr. McCanna moved," and all to fifth line from the bottom of the page be stricken out, and insert the same on page 9 after the ninth line from the bottom of the page.

On page 13, after the second line from the top of the page, insert

"The question being on the adoption of the report,

"Which motion prevailed, and

"The majority report was adopted."

On page 10, after "Mr. Sharpe moved," fifth line from the bottom of the page, strike out Senate bill No. 117 and title and insert

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

And when so amended recommend that the Journal of the forty-fourth day be approved.

W. E. MANSFIELD,  
Chairman.

Mr. Mansfield moved  
The adoption of the report,  
Which motion prevailed and  
The report was adopted.

Mr. LaMoure moved  
That the rules be suspended and  
Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Be put upon its third reading and final passage,  
Which motion prevailed

### THIRD READING OF SENATE BILLS.

Mr. LaMoure moved that  
Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Be amended as follows:

By striking out item 10 of the printed bill.

Which motion prevailed.

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker.

Messrs—

Hanna,  
Hegge,  
Laidlaw,

Messrs—

McCarten,  
McDougal,  
McGillivray,

Messrs—

Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

LaMoore,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

Messrs—

Cronan,  
Fuller, Stutsman,

Messrs—

Levang,

Messrs—

Murphy,

Messrs. Fuller of Stutsman and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. LaMoore moved

That the vote by which Senate bill No. 26 was passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Little moved

That the senate resolve itself into a committee of the whole to consider

Senate bill No. 28,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for ascertaining the value as nearly as possible for the assistance of assessors in the assessment of their property and the taxation of the same.

Which motion prevailed.

#### COMMITTEE OF THE WHOLE.

Mr. Little in the chair.

Report of the committee of the whole.

Mr. President:

Your committee of the whole which has had under consideration

Senate bill No. 28,

A bill for an act defining express companies, freight line companies and equipment companies, telegraph and telephone companies and providing for ascertaining the value as nearly as possible for the assistance of assessors in the assessment of their property and the taxation of the same.

Recommend that the same be indefinitely postponed.

C. B. LITTLE.

Chairman.

Mr. Porter moved

The adoption of the report.



Which motion prevailed and  
The report was adopted.

#### INTRODUCTION OF SENATE BILLS.

Mr. Cashel introduced  
Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 142.

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.  
Was read the first time.

Mr. Cashel moved

That the rules be suspended and all senate bills be given their second reading and referred,  
Which motion prevailed

#### SECOND READING OF SENATE BILLS.

Senate bill No. 141.

A bill for an act repealing section 1587 of the Revised Codes of the state of North Dakota.

Was read the second time, and

Referred to the committee on appropriations.

Senate bill No. 142.

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Was read the second time, and

Referred to the committee on education.

The courtesies of the floor were extended to C. S. Back.

#### THIRD READING OF SENATE BILLS.

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Hanna,	Marshall,
Arnold,	Hegge,	McCanna,
Cashel,	Laidlaw,	Noble,
Cooper,	LaMoure,	Porter,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.
Fuller, Pembina		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	McCarten,	McGillivray,
Fuller, Stutsman,	McDougal,	Murphy,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.  
So the bill passed and the title was agreed to.

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Was read the third time.

Mr. McGillivray moved

That the report of the committee be adopted,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Hanna,	McCarten,
Arnold,	Hegge,	McDougal,
Cashel,	Laidlaw,	McGillivray,
Cooper,	Little,	Noble,
Cox,	Luke,	Porter,
Cronan,	Mansfield,	Sanborn,
Creel,	Marshall,	Sharpe,
Fuller, Pembina	McCanna,	Slotten,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	LaMoure,	Murphy,
Dunlap,	Levang,	Twichell.
Fuller, Stutsman.		

Messrs. Baker, Fuller, of Stutsman, and Murphy, being excused.

So the bill passed and the title was agreed to.

Senate bill No. 95,

A concurrent resolution for an amendment to the constitution providing for direct legislation.

Mr. Little moved

That the further consideration of Senate bill No. 95 be indefinitely postponed.

Roll call demanded.

The roll was called and there were ayes 14, nays 12, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Cooper,  
Cox,  
Fuller, Pembina  
Hanna,  
Hegge,

Messrs—

Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,

Messrs—

McGillivray,  
Porter,  
Sanborn,  
Sharpe,

Those voting in the negative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cronan,

Messrs—

Creel,  
Dunlap,  
Levang,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Noble,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman,

Messrs—

Marshall,  
Murphy,

Messrs—

Slotten,

Messrs. Baker, Fuller of Stutsman, and Murphy, being excused. So the motion prevailed, and

The further consideration of Senate bill No. 95 was indefinitely postponed.

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
McCanna,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman,

Messrs—

Mansfield,  
Marshall,

Messrs—

McCarten,  
Murphy,

Messrs. Baker, Fuller, of Stutsman, and Murphy, being excused.

So the bill passed and the title was agreed to.

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Was read the third time.

Mr. Little moved

The report of the committee be adopted,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 18, nays 7, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Cooper,  
Cox,  
Hanna,  
Hegge,  
Laidlaw,

Messrs—

LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
McDougal,

Messrs—

McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Ames,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina

Messrs—

McCanna,  
McCarten,

Absent and not voting:

Messrs—

Baker,  
Cashel,

Messrs—

Fuller, Stutsman,  
Marshall,

Messrs—

Murphy,  
Porter,

Messrs. Baker, Fuller, of Stutsman, and Murphy, being excused.

So the bill passed and the title was agreed to.

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for

furniture furnished for the capitol building during the year 1894..

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Creel,  
Fuller, Stutsman,

Messrs—

Levang,  
McDougal,

Messrs—

McGillivray,  
Murphy,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Was read the third time.

Mr. Cashel moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,

Messrs—

Fuller, Stutsman,

Messrs—

Murphy,



Messrs. Baker, Fuller, of Stutsman, and Murphy, being excused.

So the bill passed and the title was agreed to.

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake,  
Was read the third time.

Mr. McCanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 1, absent  
and not voting 3.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougall,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,

Messrs—

Fuller, Stutsman,

Messrs—

Murphy,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

Mr. Noble voting in the negative.

So the bill passed and the title was agreed to.

Mr. McCanna moved

That the vote by which Senate bill No. 129 passed be reconsid-  
ered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 131,

A bill for an act providing for a geological survey of North  
Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 22, nays 1, absent  
and not voting 8.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,

Messrs—

Laidlaw,  
LaMoure,  
Levang,

Messrs—

McDougall,  
Noble,  
Porter,

Messrs—

Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Little,  
Luke,  
Mansfield,  
McCanna,

Messrs—

Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Baker,  
Cox,  
Fuller, Stutsman,

Hegge,  
Marshall,  
McCarten,

McGillivray,  
Murphy,

Mr. Cooper voting in the negative.

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

So the bill as amended passed and the title was agreed to.

The senate returned to the ninth order of business.

#### INTRODUCTION OF SENATE BILLS.

Mr. Marshall introduced

Senate bill No. 143,

A bill for an act to amend article 7 of chapter 22 of the 1895 Revised Statutes of North Dakota, relating to district veterinarians.

Mr. McDougal moved the withdrawal of

Senate bill No. 127.

A bill for an act to amend sections 1031, 1032 and 1033 of the Revised Codes of the state of North Dakota, relating to firemen's association meetings and tournaments and the annual appropriation therefor.

From the committee on appropriations,

Which motion prevailed.

Mr. LaMoure moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## FORTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 18, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by Presiding Elder S. E. Ryan.

Roll called.

All members present except Messrs. Baker, Fuller of Stutsman and Murphy, who were excused.

Mr. Hanna moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Cashel, Cronan and McCanna a committee to correct and revise the Journal of the forty-sixth day.

The secretary announced that the president was about to sign the resolution relating to the seating by congress of Brigham H. Roberts.

## REPORTS OF STANDING COMMITTEES.

The committee on temperance made the following report:

Mr. President:

A majority of your committee on temperance (two dissenting) to whom was referred

Substitute for Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and

to provide means for the enforcement of the provisions of said chapter 63.

Have had the same under consideration and recommend that the same do pass.

R. C. COOPER,  
Chairman.

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the word "town" wherever it appears in the bill, and insert the word "township."

And when so amended recommend that the same do pass.

A. SLOTTEN,  
Chairman.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 37,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void.

Have had the same under consideration and recommend that the same be amended as follows:

By adding to the title of said bill as follows, viz: "And when paid on government lands not taxable."

And in line 5 of section 1 after the word "on" inserting the word "government."

And by striking out the last sentence of section 1 commencing with the word "the" in line 14 thereof and ending with the word "made" in line 16 thereof.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on public printing made the following report:

Mr. President:

Your committee on public printing to whom was referred  
House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out in line 15 of page 2 of the engrossed bill the word "at."

And by striking out in line 16 of page 2 the words "a rate not exceeding the rate paid for publishing the."

And by striking out in line 17 of page 2 the words "county commissioners' proceedings."

And by inserting after the word "election" on line 24 of page 2 of said engrossed bill the words, "such publication to be paid for at a rate not exceeding the rate paid for publishing the county commissioners' proceedings."

And when so amended recommend that the same do pass.

A. C. MCGILLIVRAY,

Chairman.

Mr. McGillivray moved

That the report be adopted,  
Which motion prevailed and  
The report was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred  
House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 80.

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.



Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 128,

A bill for an act compelling telephone companies to form connections with one another for the transmission and interchange of messages in certain cases.

Have had the same under consideration and recommend that the same do pass.

JUDSON LAMOURE,

Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred

House bill No. 111,

Proposed amendment to the constitution of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 123.

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Have had the same under consideration and recommend that the same do pass.

T. F. MARSHALL,

Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Also,

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Also,

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Also,

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Also,

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Also,

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Also,

Senate bill No. 43,

A bill for an act amending section 491, chapter 76, of the laws of 1897.

Also,

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

Also,

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Also,

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by

the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

And find the same correctly engrossed.

Also,

### JOINT RESOLUTION

By the Senate and House of Representatives of the Sixth Legislative Assembly of the State of North Dakota in re Major Frank White of the First North Dakota Volunteer Infantry:

Whereas, Major Frank White, senior major of the First North Dakota volunteer infantry now on duty in the Philippines, has faithfully served the state of North Dakota in his capacity as representative and state senator for the Fifteenth Legislative district during the legislative sessions of 1891, 1893, 1895 and 1897; and,

Whereas, We, the members of the Sixth Legislative assembly of the state of North Dakota well know the honor, honesty and ability of Major White; and,

Whereas, He has repeatedly shown his aptitude in the management of difficult situations, and has undoubtedly made a study of the conditions prevailing at Manila with a view to their amelioration by executive or legislative action.

Now, Therefore, Be it resolved, that we, the senators and representatives of the Sixth Legislative assembly of the state of North Dakota commend Major Frank White to the president of the United States as a person of excellent character and education, and respectfully suggest that he be employed by the president in such executive, advisory or legislative capacity at Manila or in the Philippine islands as may become advisable.

And find the same correctly enrolled.

E. F. PORTER,

Chairman.

### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-fifth day, and recommend the following corrections:

By striking out in line 16 of page 21 the following: "Section 491," and inserting all of page 21 from line 9 to line 18, inclusive, after line 43.

Also, by striking out in the last line of said page 21 the words "as amended," and inserting the words "as amended" after the word "title" in said last line.

And when so amended recommend that the Journal of the forty fifth day be approved.

J. B. SHARPE,  
Chairman.

Mr. Sharp moved  
The adoption of the report,  
Which motion prevailed and  
The report was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 18, 1899.

Mr. President:

I have the honor to transmit herewith  
House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Which the house has passed and your favorable concurrence therein is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,  
Chief Clerk.

Courtesies of the floor were extended to T. W. Millham and M. J. Williams

Mr. Noble moved the withdrawal of  
Senate bill No. 50,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto.

Which motion prevailed.

Mr. Hanna moved that  
Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Be referred back to committee on state affairs,

Which motion prevailed, and  
The bill was so referred.

#### INTRODUCTION OF SENATE BILLS.

Mr. Noble introduced  
Senate bill No. 144,

A bill for an act fixing the times and places of holding general

and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

#### FIRST READING OF SENATE BILLS.

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Was read the first time.

Mr. Noble moved

That the rules be suspended and

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Be given its second reading and reference,

Which motion prevailed.

#### SECOND READING OF SENATE BILLS.

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Was read the second time, and

Referred to the committee on judiciary.

#### COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the governor:

EXECUTIVE CHAMBER,

BISMARCK, NORTH DAKOTA,

February 17, 1899.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 94,

A joint resolution of the senate and house of representatives of the Sixth Legislative Assembly of the state of North Dakota, authorizing and instructing the governor, auditor and treasurer of the state of North Dakota to issue and dispose of certificates of indebtedness to cover the cost of establishing and operating a twine and cordage plant at the state penitentiary.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.



The secretary announced that the president was about to sign Concurrent resolution relating to the appointment of Major Frank White by the president of the United States to some position in Manilla.

### MESSAGE FROM THE GOVERNOR.

Mr. Little moved

That the senate now go into executive session to consider the governor's message,

Which motion prevailed

In executive session.

In open session,

The following nominations of the governor were confirmed :

John Shuman, Milnor, Sargent county, Charles H. Sturgeon, Edgeley, LaMoure county, to be members of the board of trustees for the industrial school at Ellendale, Dickey county, for the term of four years each from and after February 20, 1899, agreeable to the provisions of section 6, chapter 89, laws of 1897.

Herbert L. Holmes, Bathgate, Pembina county, Benjamin James, Bathgate, Pembina county, and J. B. Robinson, Bathgate, Pembina county, to be members of the board of trustees for the North Dakota blind asylum at Bathgate, Pembina county, each for the term of four years from and after March 23, 1899, agreeable to the provisions of section 968 of the Revised Codes.

### THIRD READING OF SENATE BILLS.

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Was read the third time.

Mr. Luke moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Ames,  
 Arnold,  
 Cashel,  
 Cooper,  
 Cox,  
 Cronan,  
 Creel,  
 Dunlap,  
 Fuller, Pembina

Messrs—

Hanna,  
 Hegge,  
 Laidlaw,  
 LaMoure,  
 Levang,  
 Little,  
 Luke,  
 Mansfield,  
 Marshall,

Messrs—

McCanna,  
 McDougal,  
 McGillivray,  
 Noble,  
 Porter,  
 Sanborn,  
 Sharpe,  
 Slotten,

Absent and not voting :

Messrs—

Baker,  
 Fuller, Stutsman,

Messrs—

McCarten,  
 Murphy,

Messrs—

Twitchell.

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 23, nays 5, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Ames,  
 Arnold,  
 Cashel,  
 Cox,  
 Cronan,  
 Dunlap,  
 Fuller, Pembina  
 Hanna,

Messrs—

Hegge,  
 Laidlaw,  
 Little,  
 Luke,  
 Mansfield,  
 Marshall,  
 McCanna,  
 McDougal,

Messrs—

McGillivray,  
 Noble,  
 Porter,  
 Sanborn,  
 Sharpe,  
 Slotten,  
 Twitchell.

Those voting in the negative were:

Messrs—

Cooper,  
 Creel,

Messrs—

LaMoure,  
 Levang,

Messrs—

McCarten,

Absent and not voting:

Messrs—

Baker,

Messrs—

Fuller, Stutsman,

Messrs—

Murphy,

Messrs. Baker, Fuller of Stutsman, and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Was read the third time.

Mr. McGillivray moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 1, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna  
Laidlaw,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman,

Messrs—

Hegge,  
Levang,

Messrs—

Murphy,  
Sharpe,

Messrs. Baker, Fuller of Stutsman, and Murphy being excused.

Mr. LaMoure voted in the negative.

So the bill passed and the title was agreed to.

Mr. Mansfield moved

That the rules be suspended and

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Be put upon its third reading and final passage,

Which motion prevailed.

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Was read the third time.

Mr. Cox moved

The adoption of the report of the committee,

Which motion prevailed

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Hanna

Messrs—

Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

Messrs—

Baker,  
Creel,

Messrs—

Fuller, Stutsman,  
Hegge,

Messrs—

Murphy,

Messrs. Baker, Fuller of Stutsman, and Murphy being excused,  
So the bill passed and the title was agreed to.

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of  
the state or North Dakota, relating to marks and brands.

Was read the third time.

Mr. McCanna moved

The adoption of the report of the committee,  
Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent  
and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman.

Messrs—

Murphy,

Messrs—

Noble,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.  
So the bill passed and the title was agreed to.

Senate bill No. 134,

A bill for an act amending chapter 87 of the laws of 1897 being  
“an act relating to societies organized for the purpose of securing  
homes for orphans or abandoned, neglected or grossly ill-treated  
children, by adoption or otherwise, and providing rules for the  
regulation of the same.”

Was read the third time.

Mr. Cox moved

The adoption of the report of the committee,  
Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

**Messrs—**

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Hanna,

**Messrs—**

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
McCanna,  
McCarten,

**Messrs—**

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

**Messrs—**

Baker,  
Creel,

**Messrs—**

Fuller, Stutsman,  
Marshall,

**Messrs—**

Murphy,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

So the bill passed and the title was agreed to.

The secretary announced that the president was about to sign  
House bill No 86,

A bill for an act to amend section 779, Revised Codes, 1895,  
relating to sinking fund and interest tax for school districts where  
bonds have been issued.

Mr. Twichell moved that the rules be suspended and  
House bill No. 112,

Concurrent resolution submitting an amendment to the consti-  
tution of the state of North Dakota.

Be read the first and second times and given its reference,  
Which motion prevailed

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 112,

Concurrent resolution submitting an amendment to the consti-  
tution of the state of North Dakota.

Was read the first and second times, and  
Referred to the committee on railroads.



## FIRST READING OF HOUSE BILLS.

Substitute for House bill No. 91,

A bill for an act fixing the salary of county judge in the different counties and mode of determining the same.

Was read the first time.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

February 18, 1899.

Mr. President:

I have the honor to return herewith

## JOINT RESOLUTION.

Resolved by the Senate, the House of Representatives Concurring:

Whereas, There have been many complaints of the lack of uniformity, in grading of grain at Minneapolis and Duluth under the Minnesota law resulting in great loss to our wheat growers and shippers; and app

Whereas, The joint committee of the house and senate, tointed aid in securing legislation looking to relief from this condition, after a careful investigation of the subject, believe that the measure known as the McCollom bill, providing for the appointment of appeal boards at Minneapolis and Duluth, is a measure which, if it becomes a law, will in a great degree afford the desired relief; and

Whereas, The McCollom bill is now pending in the Minnesota legislature; therefore, be it

Resolved, That the legislature of Minnesota is hereby earnestly requested to enact the said McCollom bill; and be it further

Resolved, That the governor of Minnesota be earnestly requested to approve said measure, should it be enacted by the legislature, and should it become a law with the appointing power vested in the governor, we earnestly request him to carefully consider the interests of the North Dakota producers and shippers in making his appointments; and

Resolved, That the secretary of state is hereby instructed to forthwith transmit copies of this resolution to Hon. John Lind, governor of Minnesota, and to the senate and house of representatives of the state of Minnesota.

Which the house has passed.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

## THIRD READING OF HOUSE BILLS.

House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to

1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclusive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Ames,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Baker,  
Dunlap,

Messrs—

Fuller, Stutsman,  
Luke,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Murphy,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

So the bill as amended passed and the title was agreed to.

House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays 1, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Hanna,  
Hegge,

Messrs—

Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Cox,

Messrs—

Creel,  
Fuller, Stutsman,

Messrs—

Murphy,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

Mr. LaMoure voting in the negative.

So the bill as amended passed and the title was agreed to.

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman,

Messrs—

McDougal,

Messrs—

Murphy,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

Mr. LaMoure voting in the negative.

So the bill passed and the title was agreed to.

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarek, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Was read the third time.

Mr. Hanna moved

The report of the committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman,

Messrs—

Murphy,

Messrs—

Noble,

Mr. LaMoure voting in the negative.

Messrs. Baker, Fuller of Stutsman and Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26; nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman,

Messrs—

Luke,  
McGillivray,

Messrs—

Murphy,

Messrs. Baker, Fuller, of Stutsman, and Murphy, being excused.

So the bill as amended passed and the title was agreed to.

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the

real estate of a deceased person, of a minor, or of an incompetent person.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman,  
Hegge,

Messrs—

Laidlaw,  
McCanna,

Messrs—

McCarten,  
Murphy,

Messrs. Baker, Fuller, of Stutsman, and Murphy, being excused.

So the bill as amended passed and the title was agreed to.

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Was read the third time.

Mr. Marshall moved

That the report of the committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Fuller, Pembina  
Hanna,  
LaMoure,  
Levang,  
Mansfield,  
Marshall,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:



**Messrs—**

Baker,  
Dunlap,  
Fuller, Stutsman,  
Hegge,

**Messrs—**

Laidlaw,  
Little,  
Luke,

**Messrs—**

McCanna,  
Murphy,  
Porter,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.  
So the bill passed and the title was agreed to.

House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Was read the third time.

Mr. Cox moved

That the report of the committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

**Messrs—**

Ames,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Hanna,

**Messrs—**

Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

**Messrs—**

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

**Messrs—**

Arnold,  
Baker,

**Messrs—**

Fuller, Stutsman,  
LaMoure,

**Messrs—**

Murphy,  
Porter,

Messrs. Baker, Fuller, of Stutsman, and Murphy, being excused.  
So the bill passed and the title was agreed to.

House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna.

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Baker,

Messrs—

Fuller, Stutsman,  
Levang,

Messrs—

Murphy,  
Noble,

Messrs. Baker, Fuller of Stutsman and Murphy being excused.  
So the bill as amended passed and the title was agreed to.

Mr. Little moved

That the vote by which

House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

Was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Hanna moved

That the vote by which

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Little moved

That the vote by which

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Mansfield moved

That the vote by which

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Was passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The senate returned to the ninth order of business.

#### INTRODUCTION OF SENATE BILLS.

Mr. Creel introduced

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Mr. McGillivray moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

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### FORTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 20, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Baker and Murphy, who were excused.

Mr. Luke moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Dunlap, McDougal and Levang a committee to correct and revise the Journal of forty-seventh day.

#### PETITIONS AND COMMUNICATIONS.

Mr. Cox presented the following petition:

SANBORN, N. D., Feb. 14, 1899.

We, the undersigned, petition your honorable body to grant us a gopher bounty of three cents per scalp for a period of five years.

CHAS. BOOTH,  
And 86 others.

Referred to the committee on state affairs.

Mr. Cashel presented the following petition:

To the Honorable John L. Cashel, Senator from the Fourth Legislative District.—Greeting:

We, your petitioners, do by these presents, represent to you as state senator, that it is our belief that the best interests of the people of this state will be subserved by enacting into law what is known as "The Temperance Commissioner Bill" and further designated as "Senate Bill No. 60," and do most urgently request you to use your utmost endeavor toward the passage of the same.

To this end your petitioners will ever pray.

J. E. HILLER,  
And 24 others.

Referred to the committee on temperance.

#### REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of 1895 relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Also,

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes

relating to compensation of clerks of the district courts.

Have had the same under consideration and recommend that the same be amended as follows:

By adding section 2 thereto as follows, viz:

"Section 2. All acts and parts of acts in conflict with this act are hereby repealed."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred  
House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Have had the same under consideration and recommend that the same be amended by adding the following emergency clause:

Emergency. Whereas, There being no law covering this subject, an emergency exists; therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

W. E. MANSFIELD,  
Chairman.

Mr. Mansfield moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state of North Dakota, relating to marks and brands.

Also,



Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Also,

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Also,

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Also,

Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Also,

Senate bill No. 37,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void.

Also,

Senate bill No. 134,

A bill for an act amending chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

And find the same correctly engrossed.

Also,

A joint resolution relating to grain and grain grading.

And find the same correctly enrolled.

E. F. PORTER,

Chairman.

Mr Cooper moved

That the reading of the following be dispensed with and it be printed in the Journal, and 300 extra copies be printed,

Which motion prevailed.

## REPORT OF SPECIAL COMMITTEE.

To the Members of the Senate and the House of Representatives of  
The Sixth Legislative Assembly:

Gentlemen: Your joint committee appointed to consult with the proper authorities, in Minnesota and Wisconsin, in regard to grain inspection, beg leave to submit the following report:

The work of this committee was peculiarly difficult because the matter of the inspection of our grain, while one of the greatest interest and importance to our people, is under the control of the state of Minnesota, and beyond the reach and influence of our legislature and the executive.

Th committee met and organized at the Nicollet hotel in Minneapolis on Thursday, Jan. 26th, by electing T. F. Marshall chairman, and O. McHarg secretary. During two weeks we gave our undivided attention to the work visiting Minneapolis, St. Paul, Superior and Duluth. We held meetings with Gov. Lind, the Minnesota railroad and warehouse commission, Mr. Clausen, the chief inspector, his assistants, boards of trade, legislative committees, men prominent in the grain and milling business, and railroad people, all of whom manifested a cheerful willingness to render us every assistance in their power, and gave us assurances of their sympathy with our people, and a realization of the existing conditions.

The inspection of grain at Minneapolis and the head of the lakes is a vast undertaking, embracing heavy receipts of all kinds of grain which come from eight states, viz: North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Kansas, Nebraska and Washington.

Some idea of the magnitude of the business can be had from the following figures taken from Chief Clausen's reports for the crop year ending August 31, 1898.

The amount of grain inspected on arrival at four terminal points was as follows:

Wheat .....	167,104 cars.
Corn .....	14,123 cars.
Oats .....	15,781 cars.
Rye .....	4,746 cars.
Barley .....	6,573 cars.
Flax seed .....	11,414 cars.

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Total ..... 219,741 cars.

There was inspected out of store 69,925 cars, and 47 039,366 bushels into vessels. To perform this labor of inspection and

weighing, there were employed an average number of 160 men. There was expended \$191,000.

The fees of 15 cents per car for inspecting, and 15 cents for weighing are the lowest exacted by any department in the United States.

Although it was not strictly within the province of your committee, we asked through the press and correspondence for information and evidence of irregularities in the inspection, and for suggestions as to remedies for relief, and a considerable number of letters and affidavits were received. After giving them careful consideration, they were handed to Chief Inspector Clausen, with a request to reply to each. Copies of his replies were sent to the authors of the communications, and the original letters and affidavits were filed with Hon. J. F. Jacobson, chairman of the joint legislative committee appointed by Minnesota, which is thoroughly investigating the inspection department of Minnesota. Mr. Jacobson and his committee were very courteous to us. They are very much in earnest, and expect that their work will result in great good to the grain producers of North Dakota and Minnesota. Their report will be of value to all concerned. Anyone in our state having evidences of irregularities in grain inspection should communicate with Hon. J. F. Jacobson, care of the Merchants hotel, St. Paul, Minn. His committee will be in session for a considerable time, as the Minnesota legislature is likely to be in session thirty or sixty days longer than ours.

It was fortunate that Mr. Jacobson's committee was appointed, as they have undoubtedly done much and will do more to bring about a condition that will aid us in getting the changes so much desired.

There is no doubt in the minds of our people that irregularities do exist in grain inspection, and acting on this sentiment, your honorable body appointed this committee to look for relief.

After considering carefully all suggestions given by the press, by our correspondents and the people in person, the subject, in our minds, divides into the following heads, the advisability and practicability of each of which we have carefully considered.

First, doing away with all inspection of grain.

Second, inspection by the state of North Dakota at terminal points located at convenient points along the eastern boundary of the state.

Third, inspection at Superior under laws of Wisconsin, with a view of bringing about competition with inspection at Duluth and Minneapolis, under the laws of Minnesota.

Fourth, inspection at Superior under laws of Wisconsin, with a view of its superseding Duluth inspection.

Fifth, Minnesota inspection as it now is, and means of bettering the same.

Sixth, federal inspection under civil service.

We will take up the subject under the above heads, in order.

First. As wheat is our principal product, and the one about which practically all the complaint is made, we will confine our statements largely to this grain, although what is stated will generally apply equally as well to all other grains. We will say, however, in this connection, that the inspection of flax is almost a mechanical process, hence its accuracy, and the lack of complaint, while the inspection of wheat is largely a matter of human judgment, and as long as this is so, there will be complaints.

The inspection and grading of wheat neither adds to nor takes away from the value of the grain. It is the same wheat after as before inspection, and has the same intrinsic value for milling purposes. The inspection simply gives it a certificate of character, by which it can be identified and transferred, and the value of the certificate of character depends upon who issues it, what is behind it, and its general reliability. By this certificate of character people are enabled to sell the grain to those who have never seen it or may never see it, and to borrow money on it under like conditions, and as long as the certificate is reliable and represents what it purports to, buyers are safe and anxious to handle the grain, and banks and money lenders are ready to advance funds on it.

In the markets, these certificates serve, in a manner, like a trade mark of a widely known brand of goods, but we do not mean to say that it adds any value to the wheat, only as it facilitates and cheapens the process of receiving, storing, delivering, selling, and transferring, and cheapens and makes possible its use as collateral, all of which the certificate does unquestionably, to a certain degree.

Much grain is sold by sample to millers who are governed by their own judgment, regardless of the grades. Inspection in no way interferes with this business, but on the contrary brings in competition with the millers the buyers who desire to handle the grain through state warehouses, as no grain can go into a state warehouse without a certificate.

The inspection is also a very great protection to the shipper as a check on his commission house, without which shippers would be



at the mercy of the commission houses, as in the case where farm produce is shipped.

It can be clearly shown that if two cargoes of wheat were loaded at Duluth of exactly the same quality and grade, and were put upon the market of Buffalo or some part of the old world, one bearing a certificate of inspection, the other without, the one with the certificate will sell at a premium over the other.

It frequently happens that shippers, being dissatisfied with the certificate of inspection, or for other causes, destroy it, and put their wheat upon the market by sample, and almost invariably result in loss. **This is not because the wheat is worth any less without the certificate, but because the certificate is a guarantee of the cargo being uniform, and a reliable assurance to the buyer that it is what it purports to be.** The same result would follow if a well known manufacturer undertook to put his goods on the market after removing his trade mark.

To do away with all inspection of grain would, in the opinion of your committee, be a serious step backward, which would greatly injure the producers, as well as all those concerned in the grain trade, and this, we feel, would be the opinion of all who have investigated this question in all its phases.

In this connection, we will say that there is no provision in the Minnesota law which compels any one to have their grain inspected. If the inspection department is notified, it will not inspect the grain, and it can be sold by sample the same as though the inspection system did not exist, but we do not think that it can be done as advantageously as under the inspection system, for the reasons given above.

#### TERMINAL HOUSE INSPECTION IN NORTH DAKOTA.

The establishment of large terminal houses in which to grade, receive, store and clean our vast wheat crop would at first seem to be a simple and practical solution of the problem, which would enable us to put our grain on the market on its merits and reputation as North Dakota wheat.

The successful operation of this plan would necessitate an arrangement with the railroad companies by which grain could be received, stored and reloaded under a through rate. While we have not investigated this subject fully, the probabilities are that it is impossible to get such concessions from the railroad companies, or enforce them by legislation, and a failure in this would mean that the grain would be subject to two local rates, which would be fatal to the scheme.



However, we will treat the subject aside from the transportation feature. It is easy to inaugurate an inspection system. Our state can make grades and rules governing them, and issue certificates, but it is another proposition to give our grades and certificates standing in the wheat and money markets of the world, and the utility and value of the inspection system lies wholly in the standing of the certificates with these interests. With the prestige of the large buying and commercial interests behind it, a system could be easily and successfully maintained. With these interests neutral or against it, the process would be slow, and the outcome doubtful.

The storing of our crop in terminal houses would undoubtedly bring to our state many buyers who would be attracted by the reputation of North Dakota wheat, and would want it for milling and mixing purposes. Necessarily, however, this market would be of a limited and somewhat local nature, and probably would result, in a measure, as a middle market, and add so materially to the cost of placing our wheat in the hands of the consumers as to become prohibitive. Another point in this connection is that grain as a rule, is not improved by handling through elevators. This is especially true of wheat which leaves the farm smutty, or wheat which is handled through an elevator in which smutty wheat is being handled.

It seems to your committee that the establishment of a market and system of this kind cannot be forced, but must come about naturally. If the opportunity affords, individual capital will occupy the field, and the business will develop until, from the force of the situation, the state or other authorities will see the necessity of regulating the business. It seems that individual capital could be profitably engaged in receiving, storing, cleaning and forwarding our grain from terminal points in this state, provided the railroad companies could be induced to make the necessary concessions, and in this way the practicability of the terminal system could be brought about in a natural manner, if at all. Until this is done, we can see no way of putting a home terminal system in force, even if it seemed likely to lead to the results so much desired by all.

Third. Inspection at Superior in competition with Duluth.

What has been said about the establishment of a local state system applies with equal force to the establishment of a system at Superior, and is very forcibly verified by the conditions here, which are extremely favorable to the establishment and maintenance of the inspection system, because from 80 to 90 per cent of all the grain shipped to the head of the lakes is received at Superior,

Wisconsin, but in the face of this, it is inspected under the laws of the state of Minnesota, a very forcible illustration of the power and influence behind the Minnesota inspection, and of what gives it its standing and insures its general acceptance throughout the world.

There are many misconceptions of the subject of grain inspection, and in our opinion one of them is the idea that we want competition in the matter of grading wheat. We are of the opinion that what is wanted is an absolutely fair, impartial and uniform inspection, under rules which will place our product on the market in a favorable light, in competition with grain graded in other sections of the country. The competition comes when our grain meets grain graded under other systems, and if our grades are reliable and uniform, they will take their place at the head, and command a premium, and our trade mark becomes valuable, and we certainly get all the intrinsic value of our wheat, and have the advantage of being placed upon the market under the most favorable conditions, with its value and worth certified to.

The competition in putting grades on grain must necessarily result in lowering the character of the grades and their standing as compared with grain coming from other sections of the country, and probably their uniformity. While uniform grades, even if they are low, would perhaps do no material harm, they would certainly do no material good, as the grain, in the end, would come to be sold on its merits. Absolute uniformity can harm no one. What we want is the same grade for the same wheat in August, September, and October that we get in any and every other month of the year, and the same grade this year that we had last year, and will have next year. This is the meat of the question, and when this is accomplished, the desired result will be attained. We believe, however, that the interests of all will be helped if these uniform grades are reasonably high, because it is the nature of our people to want to put up a first-class article behind our trade mark, and in the market such an article, be it wheat, meat, flour, butter, cheese, coffee or soap, will always bring its relative and intrinsic value, and probably sell at a premium, as competition is lessened, as the quality is improved.

Fourth: Superior inspection to supersede inspection at Duluth.

Your committee had a very satisfactory meeting with the Superior board of trade, during the question of inspection at Superior, under the laws of Wisconsin, was very fully discussed, and much new information was given to us, the most important of which was the fact that Wisconsin has a very good inspection law

on her statute books, which can be put in force at Superior at any time by her board of trade. At one time the Superior board of trade undertook to put this system in operation, but notwithstanding the enormous receipts, the trial was a failure for want of support of the interests which are so necessary to the success of the operation of the inspection system. The Superior board of trade are as anxious as the people of North Dakota to inaugurate this system; however, after a full discussion of the situation, the Superior board members believed that the time was not ripe for another attempt to establish an inspection there, and your committee was brought around to this view of the case.

However, we think this inspection will be brought around naturally by the overpowering force of circumstances, and in view of the fact that over 80 per cent of the wheat consigned to the head of the lakes is received at Superior, and the enormous improvements and additions to the railroad terminals, and the elevator storage at Superior, recently made and contemplated, we think that the unnatural condition of all this enormous business being done in Wisconsin under the auspices of Minnesota cannot last long. It seems probable, that in the near future, that inspection at Superior under the laws of Wisconsin, will prevail to the exclusion of Minnesota inspection at Duluth, and will come about naturally.

When it does come, while it will still be a state matter, to be influenced by local political conditions, in a measure, we look for great relief. Wisconsin will be in a position to be much more impartial to all her sister states who go to her markets with the grain, than is Minnesota, because Wisconsin politics are not dominated or influenced by great milling and elevator interests to the same extent as Minnesota. To have the inspection of our grain out from under this powerful influence cannot fail to be of benefit to our producers and shippers, and all will welcome the change when the time is ripe, but nothing is to be availed by undue haste. When Wisconsin inspection comes at Superior, we believe that Minnesota inspection at the head of the lakes will have to step out, as the two standards cannot be maintained, in our judgment, so near each other, and if they could, we are doubtful as to the benefits of the competition for reasons given above. If there is anything in competition, we will be, in a measure, protected by that which will come between the Minnesota system at Minneapolis and the Wisconsin system at the head of the lakes.

Fifth: Minnesota inspection, and means, if any, of bettering the same.

In connection with the Minnesota inspection system is the weigh-



ing department. The weighing in and out of the receipts of grain at the terminal points in Minnesota is of itself a very extensive business, and in our judgment, is as nearly perfect as can be devised, and is a great system and extremely valuable to all interested in the grain trade. Under it no one need fear to ship his grain. Of course the process of weighing is practically mechanical, and under the system and care taken by this department, the errors are undoubtedly reduced to a minimum. There was, at times, considerable complaint of shortage in weights, which we believe was brought about by carelessness in unloading cars, but we understand that this has, in a great measure, been remedied.

The Minnesota laws, rules and regulations governing the inspection and weighing of grain are most excellent, being equitable and just, and whatever irregularities exist come from inability or indisposition of those charged with the execution of the laws and rules. Inspector Clausen very aptly says, "inspection of grain is not a mathematical science but a work of judgment, guided by fixed rules, with sufficient latitude to permit the inspector to apply his powers of discrimination in determining the proper grade in each case." So at best we are subject to uncertainties and whims of human judgment, but when this judgment is liable to be influenced and distorted and made to serve the interests of certain powerful concerns, a condition arises that is not altogether desirable. While we feel that this condition does exist to some degree, we are not prepared to say to what extent it goes. There must be some influence behind the powers that be to bring about such a tightening and loosening of grades and manipulations as we experienced during the last year. What the object, or who the beneficiaries are we are not prepared to say, but we feel that errors in judgment of the inspectors do not fully account for these manipulations. However, with its faults, the system is a grand one. Its certificates are the best in the world, having the highest standing, and through them millions of bushels of our wheat are stored and are sold by wire or cable, and the process greatly cheapens and facilitates all marketing of our grain, and its use as collateral for borrowed money, and remember grain, after it leaves the hands of the farmer, largely represents borrowed money. The certificates command the very lowest rate of interest, which all admit is a very important item of expense. For the grain men, we want to say that we think there is no more honorable set of men engaged in any business. Enormous transactions are made by pencil memoranda, and the utmost honor prevails in their dealings. Their credit and standing is world wide, and such as could only be based upon a

foundation of honorable methods. The business is done upon extremely small margins, which are growing less from year to year, and the margins at this time are so small that they would have been ruinous a few years ago, and yield a profit now only because of the enormous volume of the business, the very ingenious and greatly improved methods, together with the cheapening of interest. While some of the elevator and grain men undoubtedly profit by the conditions under which we suffer, others suffer with us, and all seem ready to bring about a condition that would be satisfactory and beneficial to all.

The most practical thing your committee found within their power, to assist in bringing about, and the one which seems the most promising to accomplish immediate results for the benefit of our grain producers and shippers was a radical change in the manner of appealing from the inspection.

Under the present system a car of wheat is shipped, say to Duluth. It is immediately inspected, graded and docked. A sample is procured by the commission man, to whom it is consigned, and if he thinks it has been graded too low or inspected too high, he calls for a reinspection, which is made by the chief deputy at the expense of \$1.00 per car, if not raised. If the owner or consignee is still dissatisfied, upon the payment of \$5.00 he can take an appeal to the board of railroad and warehouse commissioners, and a sample is forwarded to them in St. Paul. This board admitted to us that they claim no peculiar fitness or ability to pass upon the grades of wheat, but in case of an appeal call in and consult Mr. Clausen, the chief inspector, and are guided by his judgment. Mr. Clausen is appointed by this board, and he, in return, appoints the inspectors. It is but natural for Mr. Clausen to sustain the creatures of his own making, and for the board to sustain Mr. Clausen, so that this system results practically in a one man power, who, at a word, can tighten or loosen grades, which has, to a great extent the effect of making prices and values on millions of dollars worth of our property. Under this plan, appeals are not frequently taken, as the fee of \$5.00 and the delay in the decisions, causing demurrage and other expenses, are practically prohibitive, and the results from the appeals are not, under the system, likely to be to any great extent, satisfactory. To undertake to remedy this defect in the present system was the principal work of your committee, and as the best means of accomplishing this end, it is proposed to amend the Minnesota law so as to create at Minneapolis and Duluth appeal boards to be appointed by the governor of Minnesota, consisting of



three expert grain men, one of each board to be a practical farmer, one a representative of the commission or selling interests, and one a representative of the milling or exporting interests. These boards are to be in session continuously, one at Minneapolis and the other at Duluth. Appeals to them cost not to exceed \$3.00—(the price will probably be \$2.00 or \$2.50 per car) and decisions by them to be made the same day, by an actual examination of the cars or cargoes in case of doubt.

We made a strong effort to have this law so framed as to provide for a resident of the state of North Dakota on each of these boards, but after consulting the attorney general of Minnesota, learned that it was not possible under their constitution; however, we had a very satisfactory conference with Gov. Lind regarding the appointment of these boards, providing the bill becomes a law, and he assured us that our interests would be carefully considered in making the appointments, and that he would be pleased to receive and consider recommendations from our governor.

The Duluth board of trade rendered us all the assistance in their power, and we attach hereto a copy of their official resolution passed at our request:

#### DULUTH BOARD OF TRADE,

Secretary's Office.

Duluth, Minn., February 6th, 1899.

At a special meeting of the board of directors of the Duluth board of trade, held to-day the following resolution was presented and carried by a unanimous vote of the directors:

Whereas, The present system of appeals for reinspection is unsatisfactory and practically inoperative owing to the delay and expense involved and results in great dissatisfaction to the producer as well as other grain interests, and believing an improvement can be effected, it is

Resolved, That we approve the appointment of a board of appeals as set forth in the McCollom bill, and further that the bill be so framed as to provide for the appointment of a representative from North Dakota as a member of such board of appeals for Duluth. Should legal obstacles prevent such appointment, then we recommend that appointment of one member of such board as representing the interests of North Dakota.

Also Resolved, That this board of trade send one or more of its

members to St. Paul to work with the legislative committee from North Dakota for the passage of this bill.

G. G. BARNUM,  
Vice President.  
S. A. KEMP,  
Secretary.

All interested in the grain trade at the head of the lakes manifested a lively interest in our affairs, believing that their interests and ours are closely united.

The advantages of these appeal boards are numerous and manifest. The inspection of grain will be largely removed from the influence of Minnesota railroad and warehouse commissioners and the chief inspector as the appeal boards will make the standards for the inspectors to work to, and we will have the advantage of the judgment of three men instead of one. In the fall the two boards will meet as one, and arrive at standards for the coming year, which gives us the judgment of six men instead of one. These grades when once established, cannot be changed without the consent of five of the six men constituting the two boards. Under the operations of these boards, uniform stability of the grades would be maintained to a considerably greater degree than under the present workings of the system. One of the hardest problems in inspecting grain is the difficulty in arriving at standards for the new crop, as each year's crop differs materially from that of the year before, and during the early part of the season there has been an uncertainty which has militated greatly against the producer, and largely against all concerned in the grain trade. Under the rules of the appeal boards, standards will be arrived at much earlier than under the present system. Thus all this will be an important step for the better.

The appeal boards will have the power to recommend the dismissal of any inspector who shows incompetency, and the best evidence of incompetency will be before them in repeated appeals from his inspection.

Furthermore, these boards, getting their power from another and higher source than the railroad and warehouse commission, should be a safe and effective check on the inspection department against its manipulations and errors in judgment of grades. They will certainly be a safeguard between the people and the present system, and a tribunal of easy access, where we trust our entreaties will not be heard in vain, and where appeals may be taken easily, and decisions arrived at quickly.

Of course the appeal boards will have authority over all grain

inspected out as well as in, and through this fact we will have a reliable assurance that the grades at which our grain is sold in the terminal markets, are identically the same as those upon which it will be sold in the markets of the world. We append herewith a copy of the bill providing for a board of appeals, introduced by Representative McCollom, to whom your committee are under great obligations for many courtesies.

### A BILL

For an act establishing a board of appeals for the inspection of grain, and prescribing its duties.

Be it enacted by the legislature of the State of Minnesota:

Section 1. The governor shall appoint six suitable, competent persons, on or before July 15th, 1899, after the passage of this act, three of whom shall constitute a board of appeals for the inspection of grain at Minneapolis, and the other three to constitute a similar board at Duluth, each respective board to consist so far as may be, of one practical or representative producer of grain, one practical or representative grain or commission merchant, and one practical or representative grain merchant, exporter or miller. Not more than two members of either of said boards of appeal shall belong to the same political party, whose terms of office shall commence August 1st, 1899, and who shall hold their office for a period of two years and until their successors are appointed and qualified. Every two years thereafter, and within thirty days prior to the expiration of their terms of office, the governor shall appoint six such suitable, competent persons, to succeed those whose terms will expire on August 1st, who shall hold their office for two years and until their successors are appointed and qualified. Any vacancy which shall occur in the office of any member of said respective boards of appeals shall be filled by the governor for the remainder of the term, when a successor shall be appointed for the full term of two years. The governor shall have power in his discretion to remove from office any member of said respective boards of appeal at any time, and fill vacancies thus created by the appointment of any suitable person or persons.

Sec. 2. In all matters involving doubt on the part of any grain inspector as to the proper grade of any lot of grain under the standard or rules of inspection, or in case any owner, consignee or shipper of grain or any warehouse manager shall be dissatisfied with the decision of the chief inspector or any of his chief deputy inspectors or other inspectors, an appeal may be made to the said



board of appeals, in the district where the inspection was first made, and a decision of the majority of the said board of appeals shall be final. The railway and warehouse commissioners are authorized to make all necessary rules governing such appeals and to fix the fees for the same. All notices requiring the services of the board of appeals shall be filed in the office of the chief deputy inspector in whose district the grievance or dispute arises, who shall in turn deliver the same promptly to said board. Provided, however, that the party appealing shall pay to the chief deputy inspector with whom he served notice of appeal a sum not to exceed three dollars per case before said case be entertained, which fund shall be refunded should such case be sustained.

Sec. 3. The entire six members constituting the two boards of appeal shall meet together, or a majority of said six members, not later than September 15th, each year and prescribe or designate standards for grades, and when grades are so prescribed, designated and published, the same shall not be changed during the crop year or from one annual meeting until the next except on approval of at least five members of the two joint boards.

Sec. 4. It shall be the duty of either branch of the board of appeals when of the unanimous opinion that any inspector is incompetent, indifferent, intemperate or untrustworthy to report such fact to the railway and warehouse commission.

Sec. 5. Either branch of the board of appeals shall hear, and it hereby made the **duty of either branch** to whom appeal is made, to hear and determine all questions at issue as to grades of grain, made by any inspector, or against any public country warehouse. All such appeals shall be made to either branch of the board of appeals hereby created in section one of this act.

Sec. 6. Each of the members of said board of appeals shall before entering upon his duties of their office take an oath of office as in the case of other state officers, and shall execute a bond in the penal sum of five thousand dollars (\$5,000.00) to the state of Minnesota with good and sufficient sureties, to be approved by the governor, conditioned that they will faithfully and impartially discharge the duties of their office according to law, such bonds to be filed with the secretary of state.

Sec. 7. The salaries of the members of said boards of appeal shall be fixed by the railway and warehouse commissioners by consent of the governor and shall be paid from the grain inspection fund, and all necessary **expenses incurred** in carrying out the provisions of this act shall be paid out of the said grain inspection fund upon the order of the railway and warehouse commissioners.

Sec. 8. All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its passage.

We brought every influence to bear for the passage of this bill, and we fully expect its passage in about its present form. To hasten this, however, we recommend the passage, as early as possible, of a resolution by this body asking the Minnesota legislature to pass the measure, and feel certain that such a resolution will have a great influence toward securing its passage. Your committee will offer such a resolution for the consideration of the legislature.

Next to the appointment of a North Dakota member on each of these boards, the interests of our grain producers would be best served by a representative in Minneapolis and one in Duluth, acting as a commissioner before the appeal boards, who would undoubtedly influence their actions to a considerable extent, clothed, as he would be, with the authority of the state. Such a person could gather much valuable data and information as to the workings of the inspection system, and embody it in the shape of bulletins and reports. We believe that such commissioners, if they were expert men of sufficient business ability to comprehend the situation in all its bearings, could be of incalculable value to our state. Their very presence, in our judgment, would save to our producers many times the cost; however, your committee as a whole has not deemed it wise to take the responsibility of recommending legislation necessary to the appointments of these commissioners, but we all agree that it is a proposition worthy of the most serious consideration. In the absence of these commissioners, we would advise that the law, if it does not already do so, be so amended as to make it the imperative duty of our board of railroad and warehouse commissioners to look after the interest of our grain producers and shippers. In the past, clothed, as they have been with the authority and prestige of the state, they should have been able to do such work as would have brought about good results and made the appointment of this committee unnecessary, but now that the work has begun, we trust the necessary steps will be taken to secure the best results from it, either through special commissioners for the purpose, as has been suggested, or else through the enlistment of the services of our present board of commissioners. Even though this board may not be made up of expert grain men, they can accomplish a great deal for the good of all concerned. The interests are too great to stand idly by and see our farmers and shippers suffer



losses, aggregating, to put it mildly, hundreds of thousands of dollars.

**Sixth: Federal inspection.**

The interests involved in the inspection of grain in the United States or for that matter in any considerable portion of it, are altogether too great to be subject to the influence of local state politicians. The existence of a large number of complicated systems of inspection do not, we believe, result in any additional good to grain raisers and shippers, or any one else concerned, but on the contrary, lead to dangerous manipulations of grain in large quantities, and dishonest, unhealthy speculative deals which cannot but discredit and cripple the trade. The following concise statement of the case meets the views of your committee, and is quoted from a gentleman at Superior:

"The right of the people in every state to be heard in the matter of the inspection of grain cannot be disputed. It seems imperative that inspection be done at lake or tide river points. Neither the large elevators, railway and vessel interests, or the interior agricultural interests should be interrupted or be subject to interruption by state politicians, or by the local ambitions of vessel port cities."

**SOLUTION.**

Provide federal inspection under the secretary of agriculture, by districts, with districts for Lake Superior, Lake Michigan, North Atlantic, South Atlantic, Gulf, North Pacific, South Pacific, and such others as are necessary, all under civil service rules, which should provide that applicants for inspector must have not less than five years experience as buyer of grains, and also pass an examination by satisfactorily grading a large number of samples. The grades may be continued as now, but accepted by federal officials. This plan would give all interested the right to a hearing, and would increase our foreign trade under an unchanging and reliable inspection."

We would like to add to this that we believe that in connection with the inspection department in each district there should be one or more men of sufficient scientific education to test wheat in a chemical and mechanical way in order to ascertain its milling quality as shown by component parts of gluten, starch, etc., and its shades of color, and such scientific and mechanical tests should be as frequently resorted to as possible, in order that wheat grading may become more and more a mechanical process, and less and

less of question of human judgment. We believe that the results of federal inspection, as outlined above, would be manifold. The character of our products, as represented by the certificates, would have the backing of the United States behind them, and the certificates would be accepted all over the world as readily as our currency, and the trade mark on the product of the North Dakota farmer would be U. S. With federal inspection, you have removed the last barrier between our producer and the world's markets, and we could feel assured that should he sell a car of dry and marketable grain, he will get the same grade for it at which it is sold to the consumer. When this result is attained the question of marketing grain will be wonderfully simplified, and the spread between the producer and the consumer reduced to the lowest point.

We will not go into the matter of federal inspection any more fully, as it is our intention to introduce a joint memorial to congress asking for the enactment of such a law, and trust that this body will give it full and free discussion and consideration.

Of the subject of wheat raising and shipping in general there is much to be said, a little of which we cannot refrain from adding, even though this report is now extremely long, and although it is not strictly within the province of this committee.

It is a striking fact that Duluth, Superior and Minneapolis markets are the only terminal markets in the world in which wheat is shipped in the dirt and graded in the dirt. To say nothing of the prejudice which the presence of the dirt creates against it, the loss of the screenings and in freights paid on screenings is an appalling sum. Unquestionably all grain should be cleaned on the farm, and the screenings fed there, but many deem this impracticable. It does seem, however, that there should be some solution of this question where so much idle horse power goes to waste on our farms.

Holding and storing grain on the farm is equally as important as screening, and would result, if generally resorted to, in a more uniform market, and better prices generally.

Anticipating the fact that irregularities and dissatisfaction is liable to result from the shipment of grain, no one, either farmer or other shipper, should ever load a car of grain without keeping a fair and honest sample of not less than two quarts, secured by taking a handful from each wagon load or from the spout from time to time as it runs in the car. This sample should be properly labelled with date, name of consignee, initial and number of car, and when sold, with the grade, dockage, and price, and those samples should be preserved for at least one year, or better two years back. A collection of such samples from various sections of our

state would make better evidence than a thousand general statements and affidavits which are not tangible. No inspection board would be able to withstand such evidence in case of an investigation. We can only contend with the system and methods which prevail at the terminal points by like systems and methods at this end.

Hundreds of thousands of dollars are lost to our producers by the use of smutty seed. This loss does not fall upon the man who produces the smutty grain alone, but in a measure upon all whose grain is likely to come in contact with the smutty wheat. It would be in the interests of all to compel by law the blue-stoning of wheat, or its subjection to some other process to kill smut. This is a strong statement of the case, which we make only for the purpose of causing our people to realize the importance of this question.

We append herewith a letter which we addressed to Mr. A. C. Clausen, chief inspector, and his very full reply to the same. Our letter was intended to cover the question of wheat inspection and grading as fully as possible, and we think Mr. Clausen's reply contains much valuable information to the public.

St. Paul, Minn., Feby. 3d, 1899.

Hon. A. C. Clausen,

Chief Inspector of Grain,  
St. Paul, Minn.

Dear Sir: You are aware that the North Dakota legislature has appointed a joint committee for the purpose of securing in Minnesota and Wisconsin, any needful legislation covering the subject of the inspection of grain. For the information of this committee, will you give us, under the following headings, such specific and general information as you have at your command ?

First: The volume of business transacted in your department.

Second: The number of employes, and general information as to their character and fitness, and length of time in the service.

Third: Are inspectors in any case possessed of knowledge of ownership of grain, and the locality from which it is shipped?

Fourth: As full information as possible relative to state or public warehouses, giving approximately, the percentage of receipts that are handled through them, definitely as to whether grain is actually inspected in and out of them at the same grade, and any figures which you have at your command which will show definitely any overages or shortages accumulating in those houses when-

ever cut-offs or clean-ups are made; also such general information as you think might be of value regarding these houses.

Fifth: Information regarding private and mixing houses, and estimates of percentages of receipts which are handled through them. We would like, also, a statement of your opinion resulting from your experience, as to the advantages or disadvantages of these houses resulting to the producer of grain.

Sixth: Is grain that is received at the terminals in a dry and marketable condition sold in the markets of the world, after being cleaned, at the same grade which the farmer or shipper receives for it ?

Seventh: In any markets outside of Minneapolis and Duluth, is grain inspected and sold in the dirt?

Eighth: As full information as possible regarding the standing of the Minnesota inspection certificates in the markets of the world as compared with other certificates, and their value as collateral?.

Ninth: Under the Minnesota laws and rules governing grain inspection, can a shipper have his grain sold on the Minneapolis or Duluth market, or the markets East or across the ocean, either without inspection or regardless of it; and if so, is any grain ever so sold—and what is the volume of such business—and what the results as compared with the inspection certificates?

Trusting you can comply with our request, and believing that the information asked for will lead to a better and more intelligent understanding of the subject by the people of North Dakota, I am,

Very truly yours,

(Signed) T. F. MARSHALL.

Chairman.

#### OFFICE OF CHIEF INSPECTOR OF GRAIN.

St. Paul, Minn., Feby. 7, 1899.

Hon. T. F. Marshall, Chm. North Dakota Legislative Committee on Grain Inspection.

Dear Sir: I am in receipt of your communication of the 3d inst. requesting information concerning the amount of business transacted by the Minnesota grain inspection department, its methods in making appointments and promotions, the operations of the public warehouses under its charge and such general information as would convey an intelligent idea as to the workings of the system. I take pleasure in complying with your request, and in doing so have taken up each feature of the subject under its appropriate headings as suggested in your communication.



First. As to the volume of business transacted by the department:

The following table will show in detail the number of carloads and amount in bushels of each kind of grain inspected on arrival at the terminal points of Minnesota for the season ending August 31, 1896:

EXHIBIT "N."

A Comparative Statement of the Number of Carload and Amount in Bushels (Estimated) of Each Kind of Grain Inspected on Arrival at Minneapolis, Duluth, St. Paul, St. Cloud and Little Falls During the Crop Year Ending August 31, 1898.

GRAIN	Minneapolis		Duluth		St. Paul	
	Number Cars	Number Bushels	Number Cars	Number Bushels	Number Cars	Number Bushels
Spring wheat	103,274	72,291,800	55,790	39,053,000	172	120,400
Winter wheat	6,248	4,373,600	1,025	717,500	3	2,100
Corn	7,560	5,292,000	6,130	4,291,000	433	303,100
Oats	11,024	10,472,800	4,370	4,151,500	387	367,650
Rye	1,864	1,304,800	2,875	2,012,500	7	4,900
Barley	2,623	1,967,250	3,797	2,947,750	153	114,750
Flax seed	4,730	3,311,000	6,345	4,441,500	339	237,300
Total	137,323	99,013,250	80,332	57,514,750	1,494	1,150,200

GRAIN	St. Cloud		Little Falls		Totals	
	Number Cars	Number Bushels	Number Cars	Number Bushels	Number Cars	Number Bushels
Spring wheat	525	367,500	67	46,900	159,828	111,879,600
Winter wheat					7,276	5,093,200
Corn					14,123	9,886,100
Oats					15,781	14,991,950
Rye					4,746	3,322,200
Barley					6,573	4,929,750
Flax seed					11,414	7,989,800
Total	520	367,500	67	46,900	219,741	158,092,600

I have taken crop years 1897-1898 as an illustration, as the amount of business transacted during that year was a fair average for several years in the aggregate amount done.

In reducing the cars to bushels we have assumed 700 bushels to represent the average carload of wheat, 700 for corn, 950 for oats, 700 for rye, 750 for barley, 700 for flaxseed. This result is arrived at by taking the actual state weights on many thousands of cars on the different roads as they arrive at Duluth and Minneapolis, and it is approximately correct.



To give you an idea of the growth of business since the year 1895, I append the following comparative statement of receipts in carloads for each year from 1895 to 1897 inclusive:

### NUMBER OF CARLOADS INSPECTED "ON ARRIVAL."

CROP YEAR	Number Cars Wheat	Number Cars Corn	Number Cars Oats	Number Cars Rye	Number Cars Barley	Number Cars Flaxseed	Total Number Cars
Crop of 1885.....	93,561	1,148	1,543	5	652	744	97,653
Crop of 1886.....	113,980	1,777	3,595	21	374	678	110,385
Crop of 1887.....	116,096	2,693	2,878	26	1,079	880	123,852
Crop of 1888.....	75,734	6,185	2,795	55	1,800	909	87,478
Crop of 1889.....	108,227	13,060	7,220	87	761	1,299	130,654
Crop of 1890.....	117,141	4,401	6,413	403	1,634	2,681	132,673
Crop of 1891.....	200,081	5,663	5,362	649	3,129	5,662	221,546
Crop of 1892.....	168,137	4,873	5,796	691	4,195	2,653	186,345
Crop of 1893.....	133,628	9,939	5,056	446	4,110	2,901	156,080
Crop of 1894.....	135,505	1,774	6,837	779	4,017	2,844	151,756
Crop of 1895.....	210,917	3,006	12,762	2,676	7,463	13,681	250,805
Crop of 1896.....	157,974	3,473	19,959	4,672	13,793	15,113	214,984
Crop of 1897.....	167,104	14,123	15,781	4,746	6,573	11,414	219,741

Of the 167,104 carloads of wheat received during the year, 932 cars contained northern white wheat (from Montana and Eastern Washington), 6,344 cars were red winter wheat from Kansas, and 159,828 cars were northwestern spring wheat.

Second. As to number of employes and the department organization:

The average number of employes during the season is 160, against 156 during the previous year. Additional help is always required during the first four months of the season, when receipts are large, so that during that period the expenses are materially increased. This is off-set, however, by the increased earnings. The largest number employed was 180, in the month of November; the smallest number was 151, in the month of July. Employes are divided into classes as inspectors, inspector's helpers, weighers, registrars and department clerks. The work of the department is under the supervision of a chief inspector, appointed by the Railroad and Warehouse commission.

There are four districts, St. Paul, Minneapolis, St. Cloud and Duluth. In each district a chief deputy inspector has charge of the inspection, with as many deputy inspectors and helpers as the work requires. Each district also has a weighing department, in charge of a state weighmaster, with such number of deputy weighmen as he may require. At Minneapolis and Duluth, where public warehouses are located, registration officers are employed to record in detail the business of such houses and keep constant supervision over their condition and management.

There are fifteen railroad yards at Minneapolis and nine at Duluth-Superior, where inspectors are stationed with their helper to inspect the grain on its arrival from outside points. These yards are located outside of the city limits and lie so far apart that it would require traveling a distance of forty to fifty miles at either point to visit them all.

At Minneapolis, there are thirty-eight elevators, thirty-two of which are "private" and six are "public" houses. At all of these, state inspection and state weighing service is in force. At Duluth-Superior there are eighteen elevators, two being "private" and sixteen "public" houses.

State weighing is also done at twenty-four mills at Minneapolis and eight mills in Duluth-Superior.

All appointments are made by or with the approval of the commission, and carefully selected with due regard to age, character, intelligence and general fitness for the positions to which they may be assigned.

Employees are divided into classes in accordance with their length of service, experience and skill. New appointees are placed in subordinate positions, and promoted as opportunities afford and progress in usefulness and knowledge justifies.

The compensation of employees varies with the importance and responsibility attached to the work in which they are engaged. New appointees in the inspection department are assigned to work at the lowest round of the ladder in the capacity of "helpers," their duties consisting in opening and sealing the cars and probing the grain under the direction of the track inspector—thus affording them the best of opportunities of gaining a knowledge of the work. Close application and study for three or four years will generally fit an intelligent helper for a higher position. No one is appointed as an inspector of grain without having gone through long training and experience. An inspector of grain must not only be a man of expert judgment and familiar with the different qualities of wheat grown in Minnesota and the Dakotas, but also with the character of wheat produced in Wisconsin, Iowa, Nebraska, Kansas, Montana and Washington, the receipts of which constitute a large percentage of the business done by the department each year, and which are annually increasing. In addition to this experience must be added a thorough knowledge of the different grades and varieties of corn, oats, rye, barley and flax seed. Many men who might be competent to operate a local elevator where their duties are confined to inspecting grain grown in that particular locality, would, before a period of training, find

themselves wholly at sea in endeavoring to discharge the exacting duties of a terminal inspector.

In the weighing department, while the duties performed are of a different character, they are none the less important; to insure satisfactory results, it is essential that none but honest, active, intelligent men should be employed. They must be quick and accurate at figures, and be good penman, they must be on the alert at all times to watch for possible leakages from defect of cars, elevator spouts and bins. To fulfill the duties of the position in a large terminal elevator requires a knowledge of its interior construction with its multitudinous bins, spouts, scales, etc.

Inspectors and weighmen are each required to give a bond of \$5,000.00 conditioned upon a faithful performance of their duties under the rules laid down for their government.

Old experienced employes are rarely removed from the department—and then only for a violation of the rules. Many of the employes are still connected with the service who were identified with it at its inception, and their carefully trained judgment from years of experience renders their services of inestimable value.

Third, as to whether the inspectors are in any case possessed of the knowledge of the ownership of grain or the locality from which it is shipped.

The inspectors on track in determining the grade know absolutely nothing as to the point from which the grain came or whom the shipper may be, or to whom the grain may be going, notwithstanding the prevailing ideas on this subject, nor would it be possible to furnish any such information from the inspection office, as the only record to be found there is the car number and the initial, the date of inspection, the name of inspector, the grade and dockage, and the inspector's notations or reasons for the grade. Thus every carload arriving is inspected with absolute impartiality and without the slightest knowledge of its origin or ownership.

Fourth. To indicate the percentage of receipts which are handled through the terminal elevators, I respectfully refer you to the following tables:

#### EXHIBIT "E."

Statement of "Out Inspection" of Spring Wheat at St. Paul, Minneapolis and Duluth, Crop of 1897, from September 1, 1897, to August 31, 1898.

MONTHS	St. Paul	Minneapolis	Duluth	All Points	Duluth
	Number Cars	Number Cars	Number Cars	Total Cars	Total Bushels Into Vessels
September, 1897.....	145	4,583	275	5,003	7,737,158
October, 1897.....	158	3,593	1,044	4,795	5,465,867
November, 1897.....	251	4,308	1,033	5,592	5,082,946
December, 1897.....	184	6,989	2,152	9,325	2,953,550
January, 1898.....	193	2,410	584	3,187	.....
February, 1898.....	143	3,319	249	3,711	.....
March, 1898.....	143	4,238	485	4,866	.....
April, 1898.....	36	3,658	396	4,090	1,530,000
May, 1898.....	204	5,582	994	6,780	2,848,935
June, 1898.....	85	3,565	421	4,071	1,248,902
July, 1898.....	127	4,354	642	5,123	1,555,986
August, 1898.....	.....	3,826	530	4,356	1,516,208
Totals.....	1,669	50,425	8,805	60,899	29,939,552

EXHIBIT "L."

Statement of "Out Inspection" into Cars and Vessels of Coarse Grain, Including Flaxseed and Winter Wheat at St. Paul, Minneapolis and Duluth, Crop of 1897, September 1, 1897, to August 31, 1898.

MONTHS	St. Paul						Minneapolis						Duluth	
	Winter Wheat	Corn	Oats	Rye	Barley	Flax Seed	Winter Wheat	Corn	Oats	Rye	Barley	Flax Seed	Winter Wheat	
													Cars	Total Bu. Into Vessels
September, 1897.....	..	4	7	2	5	..	1	14	383	2	21	5	..	.....
October, 1897.....	..	4	1	..	3	..	2	175	447	9	21	..	..	.....
November, 1897.....	..	6	1	1	1	2	4	260	565	19	21	392	2	46,944
December, 1897.....	1	245	2	10	1	..	7	424	648	65	23	55	1	.....
January, 1898.....	..	29	..	25	7	1	38	135	352	18	20	5	..	.....
February, 1898.....	..	3	13	2	9	..	28	618	1,262	23	21	9	..	.....
March, 1898.....	19	9	8	..	13	..	34	597	1,106	28	34	68	1	.....
April, 1898.....	..	7	99	..	3	..	5	266	1,070	140	11	168	3	139,227
May, 1898.....	..	3	36	..	3	15	11	120	480	26	5	379	..	60,063
June, 1898.....	..	2	..	..	..	..	61	234	92	3	2	196	1	40,724
July, 1898.....	..	6	8	..	3	..	159	86	133	14	3	67	..	5,138
August, 1898.....	..	1	..	..	..	..	55	98	168	27	1	.....	..	.....
Totals.....	20	319	175	40	48	18	405	3,027	6,706	374	183	1,344	8	292,096



## EXHIBIT "L."—Continued.

MONTHS	Duluth									
	Corn		Oats		Rye		Barley		Flax Seed	
	Cars	Bu. in Vessels	Cars	Bu. in Vessels	Cars	Bu. in Vessels	Cars	Bu. in Vessels	Cars	Bu. in Vessels
September, 1897.....	37	178,000	3	42,000	1	10,000	1	319,761	..	805,628
October, 1897.....	2	.....	9	.....	1	50,000	6	528,371	3	455,191
November, 1897.....	3	.....	6	.....	..	23,374	1	695,875	1	1,693,244
December, 1897.....	1	.....	6	.....	..	.....	4	46,012	1	684,030
January, 1898.....	..	.....	..	.....	..	.....	2	.....	2	.....
February, 1898.....	..	.....	3	.....	..	.....	68	.....	66	.....
March, 1898.....	1	.....	2	.....	1	.....	192	.....	91	.....
April, 1898.....	1	874,822	6	1,149,783	2	937,482	2	280,857	2	351,246
May, 1898.....	1	308,211	3	2,321,246	14	669,157	..	34,505	1	347,441
June, 1898.....	97	191,899	17	914,737	..	107,000	..	50,605	5	251,700
July, 1898.....	84	521,208	3	70,819	..	95,912	..	.....	..	167,200
August.....	88	1,276,908	2	.....	..	285,500	..	.....	..	68,194
Totals.....	315	3,351,048	60	4,498,585	19	2,178,425	276	1,955,986	172	4,823,874

## PUBLIC AND PRIVATE WAREHOUSES.

The terminal warehouses are divided into two classes: private and public warehouses.

All wheat arriving at terminal points not intended for immediate use is sent after inspection to the terminal elevators to be stored for future sale and shipment, or held for future needs by the millers.

The public houses comprise those which are duly bonded and operated under state licenses and in accordance with the provisions of the warehouse and grain laws of the state. In these houses a general public business is conducted. All grain received into or shipped from such warehouses must be inspected and weighed by duly authorized state officers. A complete system of accounts with each one of the public houses is kept in the office of the warehouse registrar at each terminal point where such houses are operated. Sworn statements in writing showing the amount of each kind and grade of grain received and shipped are made to the registrar by public warehousemen. These statements are carefully checked by the registrar and compared with the returns made by the state inspectors and weighers, as shown by the records of the department. All reports are thus verified before being entered in the registrar's books.

Warehouse receipts issued by public warehousemen on receipt of grain into their warehouses are registered in the office of the warehouse registrar, and upon the delivery out of store of grain rep-



resented by these receipts, they are presented for cancellation, and thus become void.

All grain of the same grade must be kept together, and stored only with grain of a similar grade, and a selection of different qualities of the same grade is prohibited. Grain of different grades cannot be mixed together under any circumstances, nor can the warehouseman deliver grain of one grade for that of another grade, or in any manner tamper with grain in his possession with a view of securing any profit to himself or any other person.

Upon request of any owner of grain, the warehouseman may place any grain of same grade belonging to said owner in official or private bins for the purpose of drying, cleaning and improving the same for account of said owner, but in such cases the warehouseman must deliver the same upon its original grade, regardless of any improvement which may have been made by reason of such drying, cleaning or handling. Thus all grain delivered from public warehouses is inspected under the grade in which it was received into store and the record in the registrar's office of receipts of all kinds and grades of grain is thus cancelled by the record of shipments preserving a complete and perfect balance.

The following statement will show the total receipts of spring wheat in bushels, during the crop year ending August 31, 1898, at Minneapolis and Duluth, also the amount handled at "public" and "private" houses:

Total receipts spring wheat, Minneapolis,.....		72,291,800 bu.
Handled at public elevators	5,319,083	
"    " private "    "    "	29,978,417	
Not received into store	36,994,300	72,298,800 bu.
Total receipts spring wheat, Duluth,.....		57,514,750 bu.
Handled at public elevators	32,584,090	
"    " private "    "    "	3,518,962	
Not received into store	21,411,698	57,514,750 bu.

The item "not received into store" refers to wheat which is either ground at Duluth or Minneapolis, or forwarded in original cars to outside mills for the same purpose.

Regarding overages or shortages in public elevators:

The amount of grain carried over from one season to another in the large terminal elevators precludes the possibility of making a cut-off and weighing-up of grain every season, as the expense of handling such an amount is a large one. That shortages or overages must occur in a business of this nature goes without saying, but it can be stated as a demonstrated fact, that in either event the amount in such cases as have come to our attention has been infinitesimally small when the vast quantities handled are taken into consideration.

Paradoxical as it may seem, overages in public houses are always reported to the department, but shortages seldom, if ever. One reason and perhaps the most pronounced why warehousemen are averse to a publication of the fact that they are short on grain to satisfy all their outstanding receipts is the natural tendency of the public mind to exaggerate and magnify such reports. Warehousemen prefer to suffer a loss in silence rather than allow any question or possible misunderstanding as to the validity of their warehouse paper to arise.

It frequently occurs that warehousemen find themselves short of the necessary amount to satisfy all their outstanding obligations at the end of the season. In such cases they are obliged either to buy in the receipts or the necessary amount of grain to meet them. As before stated, this is done without any fuss or parade and merely treated as an incident of the business.

On the other hand, if any accumulation occurs in excess of the amount of the warehousemen's obligations, it is impossible to dispose of it without the knowledge of the department, owing to its complete censorship over public warehouses. There is stationed at each of such houses a state inspector, and an upstairs and downstairs weighman, who, in conjunction with the registrar's office, keep a complete check upon these houses. Before any overage could be shipped out, its existence would first have to be reported to the railroad and warehouse commission, and permission obtained to make such shipment. In the fourteen years existence of the department the total accumulation of so-called overages reported from all the public terminal warehouses to date is 102,249 bushels. During that period, the amount of wheat handled by the public warehousemen at terminal points approximates 350,000,000 bushels. The overages reported represent the net result from gains and losses by public warehousemen during the period mentioned, and in which this vast amount was handled. This indicates less than one-quarter of an ounce per bushel net overage.

Fifth: As to the advantages or disadvantages of private or mixing houses resulting to the producer and country shipper.

The grain handled in private houses belongs exclusively to the owners themselves. At such houses the proprietors make a business of buying grain of different grades, a certain percentage of it being out of condition, such as wet or smutty grain, and by drying, brushing, scouring and otherwise improving the same, they are able to bring it up to a higher standard. There are thirty-four of such warehouses at Minneapolis and Duluth. There is considerable competition among these buyers, resulting in making a good market for damaged grain which otherwise would be a drug, particularly

a crop like the present one, a large percentage of which is damp and exceedingly smutty.

The inspection department has frequently had controversies with the proprietors of these private warehouse, in view of their endeavors at times to unduly gain grades on their output from store. The department has always maintained a firm stand in connection with this feature of its work, insisting upon strong, average quality of grain from store, fully equal to the standards in force at public warehouses, thus guarding against any deterioration of the Minnesota grades as they go out to other markets.

Notwithstanding the unpleasant experiences incident to this work, it would be folly to decry these institutions or to attempt to belittle their importance and value to the producers of the Northwest. If it were not for their existence, the greater portion of the damaged grain, which is annually shipped in from country points, would be forced to outside markets, and sold at much lower prices. The following rules govern the inspection department in its relations with private warehousemen and effectively serve to uphold the integrity of Minnesota standards.

### RULES.

"In the inspection of grain from private warehouses the inspection department will be governed by the general standard of grades in force at the public warehouses, and no grain will be allowed to pass inspection that is not fully up to the general average quality of the different grades coming out from the regular bins of the public warehouses.

Samples of standard grades will be furnished by the chief deputy inspector, upon application.

The inspection department neither claims nor assumes any supervision of grain stored in a private warehouse, and no claim based upon any previous inspection of grain, before unloading in such private warehouse, will be entertained by this department.

All scales upon which grain is weighed by a state weigher, in private warehouses, shall be subject to examination and test, at all times, by any duly authorized weighmaster, or sealer of weights and measures."

Sixth: As to whether grain received at terminals is sold in markets of the world on same grade which the country shipper receives for it.

Eastern and foreign buyers who purchase grain at Duluth, accept it on the grades fixed by the Minnesota inspection department. The delivery is made at Duluth, and must be accepted there. Although



the buyer is not present, but on the contrary he is thousands of miles distant, a feeling of confidence in the justice and reliability of Minnesota inspection inspires the buyer to accept the chances. The shipments are always accompanied by state certificates of inspection and weight.

All financial responsibility as far as the Minnesota authorities are concerned, ends with the clearance of the shipments from our markets. Formally there was much talk of Minnesota grain being tampered with in Buffalo in its transit to eastern markets, it being alleged that inferior grain was mixed into it at Buffalo, and in case of foreign shipments, at New York. Whether this has been true in past years or not, it cannot be questioned that under present facilities and conditions at Buffalo, New York and other transfer points the identity of our shipments can be and is maintained through to their final destination. At any rate, the eastern and foreign buyer who must take the chances seems to be more than ever willing to do so. At our request, we have frequently had samples of cargoes of Minnesota wheat returned to us, which had been taken from the vessels after arrival at foreign ports, and found it in every instance that the grain had reached its destination intact and in its original state of purity as to quality.

Seventh: In any markets outside of Minneapolis and Duluth, is grain inspected and sold in the dirt?

The dockage system in vogue in the markets of the northwest is unknown in other markets of the country. Over 90 per cent of the wheat brought to our terminal markets is in an unclean condition, containing foul seed, and other impurities ranging from one-half pound to ten pounds per bushel.

It is an infrequent occurrence to find cars containing as high as twenty to twenty-five bushels of foul seed alone. Under our system the inspector determines what grade the grain would be if thoroughly cleaned, and then determines by actual test with suitable apparatus how much impurity per bushel the grain contains, which is to be deducted as dockage.

In other markets of the country grain arrives in a clean condition, having been carefully and properly cleaned on the farm before being marketed. If by any chance the grain arrives at other terminal markets, not properly cleaned, instead of being docked for the dirt and given the benefit of its proper grade, it is designated as "rejected" on account of dirt, even though the grain might be very fine. The grain must then be either sent to a warehouse by the owner, to be cleaned at considerable expense, or else disposed of by sample at a large discount, entailing considerable loss.

Regarding the results of dockage on the present crop of wheat

as taken from our records, will say that of the 124,889 cars of this season's spring wheat inspected on arrival at Duluth and Minneapolis for the months of September, October, November and December, 1898, 8,523 cars were docked one-half pound per bushel; 23,062 one pound; 21,102 one and one-half pounds; 24,846 two pounds; 14,568 two and one-half pounds; 10,309 three pounds; 11,998 over three and at an average of four pounds and 10,481 without dockage. The net average dockage at those two points for the four months being 28 6-10 ounces per bushel.

Eighth. As to the standing of Minnesota inspection certificates and its public warehouse receipts in the markets of the world as compared with those of other markets.

The Minnesota grades of grain as represented by its inspection certificates have always enjoyed the fullest confidence of the purchasers and dealers of grain in other markets. The eastern holder of a carload or cargo of grain which is accompanied by a certificate of its quality and quantity under the seal the state of Minnesota, is generally satisfied that he has value received and rarely troubles himself to examine farther into its quality, or subject it to another inspection on receipt of the grain at its point of destination. Confidence in the justice and integrity of our grades seems to have been established in all markets to which northwestern grain is forwarded. As a further and still more forcible illustration of this fact, the New York Produce Exchange several years ago passed a resolution declaring public warehouse receipts for No. one Northern wheat of Minnesota inspection deliverable on contracts made on that exchange for future delivery.

When these contracts mature, the tender and delivery of Duluth public warehouse receipts calling for No. 1 Northern wheat, and which bear the registration stamp of a state registrar, are regarded as a lawful fulfillment of the contract. When it is considered that these vast transactions are based upon receipts calling for grain which may not reach New York until perhaps months later, it is a tribute not only to Minnesota inspection, but to the character and standing of our terminal public warehouses.

The inspection, weighing and registration departments are integral parts of a complete whole, and serve not only as a check upon each other, but upon the public warehousemen. In view of these safeguards, which characterize no other system so completely in the other markets of the United States, the receipts issued from the terminal public warehouses of Minnesota are regarded as of the very safest and choicest form of collateral by local and eastern banks and moneyed institutions, and advances are made upon this security considerably below normal rates of interest. No system in the country enjoys greater prestige or distinction.



Ninth. Under Minnesota laws and rules, can a shipper have his grain sold on the Minneapolis or Duluth markets, or the markets east, or across the ocean, either without inspection or regardless of it; and, if so, is any grain ever sold, and what is the volume of such business, and what the results as compared with inspected grain?

There is nothing in the grain laws of Minnesota or the rules governing inspection which would compel the country shipper against his wishes to subject his grain to inspection on arrival at terminal points. In the absence of specific notice to the contrary, the department assumes that inspection is desired, and does so inspect it. It would refrain from so doing in all cases where proper notice was received in advance. It must be borne in mind, however, that all grain must be inspected before it can be received into public warehouses, and the buyers of grain for shipment would be averse to purchasing it until its grade had been determined. Just so far this would restrict the shipper's market and confine it to the millers or such local buyers as might have immediate use for the grain.

Again, although our laws and rules require that all grain going into or shipped from public warehouses shall be duly inspected, the owner would in no wise be prevented from destroying his inspection certificate, forwarding his grain to eastern or foreign markets and disposing of it by sample regardless of inspection.

The amount of business done by the sample method is exceedingly small, the chances for dispute as to quality of the grain compared with the sample being very great and particularly so on a declining market.

Neither is it a common occurrence for shippers to forward their grain east to be sold subject to eastern inspection. Experience in such cases as have occurred have in most cases resulted in the conviction that it is preferable to have the grade question settled before the grain leaves the home market.

In closing this communication, I trust the committee will pardon its length. I neither intended or expected to occupy so much space. However, a great deal more could be said that might be interesting and instructive.

The subject is a broad one and of serious importance which is my apology for trespassing to so great an extent upon your time and patience. With the sincere assurance that my time and all information on this subject which I possess will always be at the disposal of your honorable committee, I remain,

Very respectfully yours,

[SIGNED.]

A. C. CLAUSEN,

Chief Inspector of Grain.

We do not wish to be misunderstood as to any of the features of this report. We do not make any of our statements as final,

or expect them to be accepted as authority. Many of them, to say the least, are open to argument, and may call for criticism, but we do not believe that any harm can come from the discussion and agitation of this subject; on the contrary, great good ought to result. We have gone into the subject at length, hoping to bring about agitation which will result in a better general understanding of the subject. If we succeed in interesting those who are more competent to treat of it, to the extent of getting them to express themselves in a public way, a beginning has been made, and we will be well pleased.

The Committee desires to extend its thanks, on behalf of the state, for many courtesies shown by Gov. Lind, the Legislative Committees of Minnesota, its individual members, the Minnesota Railroad and Warehouse Commissioners, Chief Inspector Clausen, his assistant, Mr. Barncard, and his force, as well as the Boards of Trade of Minneapolis, Duluth and Superior, and the individual members of those Boards, and the citizens of those cities, the representatives of the grain and milling trade and the railroad companies, all of whom united to aid the Committee in its work.

We were also greatly aided in our work by Mr. E. Y. Sarles and Roderick J. Johnson of Traill county and Mr. C. M. Johnson of Richland county, all of whom came to St. Paul in response to our general invitation. The two first named gentlemen were with us for more than a week in St. Paul, Duluth and Superior, and placed your Committee, and the people of the state under obligations to them for their unselfish, active interest taken in the work of the committee.

Respectfully submitted.

T. F. MARSHALL,  
R. N. COOPER,  
J. S. JOHNSON,  
ORMSBY McHARG,  
H. J. MINER.

Committee.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 20, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Also,

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Which the house has passed unchanged.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

The secretary announced that the president was about to sign

### JOINT RESOLUTION.

Resolved by the Senate, the House of Representatives Concurring:

Whereas, There have been many complaints of the lack of uniformity, in grading of grain at Minneapolis and Duluth under the Minnesota law resulting in great loss to our wheat growers and shippers; and

Whereas, The joint committee of the house and senate, appointed to aid in securing legislation looking to relief from this condition, after a careful investigation of the subject, believe that the measure known as the McCollom bill, providing for the appointment of appeal boards at Minneapolis and Duluth, is a measure which, if it becomes a law, will in a great degree afford the desired relief; and

Whereas, The McCollom bill is now pending in the Minnesota legislature; therefore, be it

Resolved, That the legislature of Minnesota is hereby earnestly requested to enact the said McCollom bill; and be it further

Resolved, That the governor of Minnesota be earnestly requested to approve said measure, should it be enacted by the legislature, and should it become a law with the appointing power vested in the governor, we earnestly request him to carefully consider the interests of the North Dakota producers and shippers in making his appointments; and

Resolved, That the secretary of state is hereby instructed to forthwith transmit copies of this resolution to Hon. John Lind, governor of Minnesota, and to the senate and house of representatives of the state of Minnesota.

Mr. Noble asked unanimous consent to introduce an appropriation bill,

Which consent was granted.

### INTRODUCTION OF SENATE BILLS.

Mr. Cooper introduced

Senate bill No. 146,

A bill for an act allowing the board of county commissioners of counties to compensate clerks of the district courts in their counties for extra work imposed upon them by the legislature by sections 28 and 67 of the laws of 1897.

Mr. Laidlaw introduced

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers

Mr. Little introduced

Senate bill No. 148,

A bill for an act to permit the board of county commissioners to abate a portion of delinquent taxes and penalty on certain real estate.

Mr. Cashel introduced

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Mr. Cashel introduced

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Mr. Noble introduced

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisement, advertising and expenses attendant upon the sale of institution and common school lands.

Committee on state affairs introduced

Senate bill No. 152,

A concurrent resolution relating to school lands.

Mr. Little moved

That the rules be suspended, and all bills introduced be given their first and second reading and reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 146,

A bill for an act allowing the board of county commissioners of counties to compensate clerks of the district courts in their counties for extra work imposed upon them by the legislature by sections 28 and 67 of the laws of 1897.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers

Was read the first and second times, and

Referred to the committee on ways and means.

Senate bill No. 148,

A bill for an act to permit the board of county commissioners to abate a portion of delinquent taxes and penalty on certain real estate.



Was read the first and second times, and  
Referred to the committee on state affairs.

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Was read the first and second times, and

Referred to the committee on public health.

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisement, advertising and expenses attendant upon the sale of institution and common school lands.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 152,

A concurrent resolution relating to school lands.

Was read the first and second times, and

Referred to committee on school and public lands.

Senate bill No. 143,

A bill for an act to amend article 7 of chapter 22 of the 1895 Revised Statutes of North Dakota, relating to district veterinarians.

Was read the first and second times, and

Referred to the committee on stock.

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Was read the first and second times, and

Referred to committee on military affairs.

The secretary announced that the president was about to sign House bill No. 26,

A bill for an act to amend section 660 Revised Codes of North Dakota 1895, relating to what territory may be organized into district school corporations.

Also,

House bill No. 69,

A bill for an act to amend section 3203 of the Revised Codes relating to building and loan associations.



The courtesies of the floor were extended to Walter Gunkle and J. B. Eaton.

### THIRD READING OF SENATE BILLS.

Substitute for Senate bill No. 60,

A bill for an act to amend chapter 63 of the Penal Code, which begins at section 7593 Revised Codes of 1895, to provide for a state temperance commissioner, defining his duties and powers, fixing his compensation and bond, appropriating money for salary and expenses, and regulating the sale, barter and giving away of intoxicating liquors for medical, scientific and mechanical purposes, prescribing penalties for violation of the provisions of this act, and to provide means for the enforcement of the provisions of said chapter 63.

Mr. Arnold moved

To amend section 13, of substitute for Senate bill No. 60, by striking out lines 1, 2, 3, 4, 5, and all of line 6 up to and including the word "fund."

Which motion prevailed and  
The amendment was adopted.

Mr. LaMoure moved

To amend section 1, line 4, add "by and with the consent of the senate."

Which motion prevailed, and  
The amendment was adopted.

Mr. Creel moved

To amend to strike out the first four words in line 4, section 11, page 11, and insert in lieu thereof the following: "Upon the printed or written prescription of a physician who is lawfully and regularly engaged in the practice of his profession as a business and in the manner prescribed in this chapter; provided, that in the town, village, city or township, wherein a druggist is located, who has received a druggist's permit, as provided in this chapter, there is no regular practicing physician, then said druggist, as provided above, may for medical purposes only."

Which amendment was lost.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 12, nays 15, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cooper,  
Dunlap,

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Levang,

Messrs—

Luke,  
McCarten,  
Sanborn,  
Twitchell.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Cashel,	Laidlaw,	McDougal,
Cox,	LaMoure,	McGillivray,
Cronan,	Little,	Noble,
Creel,	Mansfield,	Porter,
Fuller, Pembina	Marshall,	Sharpe,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Murphy,	Slotten,
McCanna,		

Messrs. Baker and Murphy being excused.

So the bill was lost.

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 16, nays 6, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Luke,	Noble,
Cashel,	Mansfield,	Porter,
Cronan,	McCanna,	Sanborn,
Hanna,	McCarten,	Slotten,
LaMoure,	McDougal,	Twichell.
Little,		

Those who voted in the negative were:

Messrs—	Messrs—	Messrs—
Cooper,	Dunlap,	Marshall,
Cox,	Fuller, Pembina	Sharpe,

Absent and not voting:

Arnold,	Fuller, Stutsman,	Levang,
Baker,	Hegge,	McGillivray,
Creel,	Laidlaw,	Murphy,

Messrs. Baker and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Senate bill No. 37,

A bill for an act to provide for the recovery of money paid at tax sales where such sales have been adjudged void.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 15, nays 8, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Laidlaw,	McCanna,
Arnold,	Levang,	McDougal,
Cashel,	Little,	Noble,
Fuller, Pembina	Luke,	Sanborn,
Hegge,	Mansfield,	Twichell.

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Cooper,	Hanna,	Sharpe,
Creel,	McCarten,	Slotten,
Dunlap,	Porter,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	Fuller, Stutsman,	McGillivray,
Cox,	LaMoure,	Murphy,
Cronan,	Marshall,	

Messrs. Baker and Murphy, being excused.

So the bill was lost.

Senate bill No. 138.

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Was read the third time.

Mr. Dunlap moved to amend:

Strike out the words "and voters" in line 3, section 2, page 11.  
In line 5 strike out the words "and voters."

Which amendment was lost.

Mr. McCarten moved to amend:

Strike out in line 3, section 2, page 11, the words "of the taxpayers and voters," and insert in lieu thereof "of the taxpayers who are voters."

Which amendment was lost.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays 1, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	LaMoure,	McDougal,
Arnold,	Levang,	McGillivray,
Cashel,	Little,	Noble,
Cooper,	Luke,	Porter,
Cox,	Mansfield,	Sanborn,
Fuller, Pembina	Marshall,	Sharpe,
Hanna	McCanna,	Slotten,
Hegge,	McCarten,	Twichell.
Laidlaw,		

Absent and not voting.

Messrs—	Messrs—	Messrs—
Baker,	Creel,	Murphy,
Cronan,	Fuller, Stutsman,	

Messrs. Baker and Murphy being excused.

Mr. Dunlap voting in the negative.

So the bill as amended passed and the title was agreed to.

The senate returned to the ninth order of business.

#### INTRODUCTION OF SENATE BILLS.

Mr. LaMoure introduced

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Mr. Ames, by request, introduced

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Mr. Ames, by request, introduced

Senate bill No. 155,

A bill for an act entitled "an act to amend sections 2068 and 2069 of the Revised Codes of North Dakota relating to salary of county judge and clerk hire for county court.

Mr. LaMoure moved

[ The rules be suspended, and

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Be read the first and second times and given reference.

Mr. Ames amended by including

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

And

Senate bill No. 155,

A bill for an act entitled "an act to amend sections 2068 and

2069 of the Revised Codes of North Dakota relating to salary of county judge and clerk hire for county court.

Which amendment prevailed.

# FIRST AND SECOND READING OF SENATE BILLS

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Was read the first and second times, and

Referred to the committee on cities and municipalities.

Senate bill No. 155,

A bill for an act entitled "an act to amend sections 2068 and 2069 of the Revised Codes of North Dakota relating to salary of county judge and clerk hire for county court.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Porter moved that

Senate bill No. 128,

A bill for an act compelling telephone companies to form connections with one another for the transmission and interchange of messages in certain cases.

Be made a special order for Thursday, February 23, 1899, at 3 p. m.,

Which motion prevailed.

The senate returned to the ninth order of business.

# INTRODUCTION OF SENATE BILLS.

Mr. Arnold introduced

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Mr. Arnold moved

That the rules be suspended and



Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Be given its first and second readings and reference,

Which motion prevailed.

FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Was read the first and second times, and

Referred to the committee on elections.

Mr. Cashel moved that

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Be recommitted,

Which motion prevailed.

Mr. Cashel moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## FIFTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 21, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Ames, Cronan and Murphy, who were excused.

Mr. Luke moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Sharpe, Hanna and Fuller of Pembina committee to correct and revise the Journal of the forty-ninth day.

The secretary announced that the president was about to sign Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Also,

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Also,

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

## REPORTS OF STANDING COMMITTEES.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "county" in line 5, section 25, strike out "provided, however, that in all counties where the county treasurer shall receive an annual salary of eighteen hundred dollars or more, he shall be compelled to pay all expense of providing bonds as provided in section 1 of this act."

And when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

Mr. Hanna moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. F. MARSHALL,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 108,

A bill for an act to amend section 419 of the Revised Codes of North Dakota, relating to compensation of stenographers for making transcripts, and per diem

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted.

Roll call demanded.

The roll was called and there were ayes 17, nays 10, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cox,  
Fuller, Stutsman,  
Hanna,

Messrs—

Hegge,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,

Those voting in the negative were:

Messrs—

Cooper,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

LaMoure,  
Levang,  
McCarten,  
McDougal,

Messrs—

Porter,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Cronan,

Messrs—

Laidlaw,

Messrs—

Murphy,

Messrs. Ames, Cronan and Murphy being excused.

So the report was adopted and further consideration of Senate bill No. 108,

A bill for an act to amend section 419 of the Revised Codes of North Dakota, relating to compensation of stenographers for making transcripts, and per diem.

Was indefinitely postponed.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 113,

A bill for an act fixing the time for holding terms of district court in the several counties comprising the fourth judicial district

Also,

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Have had the same under consideration and recommend that the same be amended as follows:

In line 12 of section one, by striking out all after and including the word "provided" and ending with the word "and" in line 16 of said section 1, and inserting in lieu thereof, as follows, viz: "The actual expenses of such judge while in attendance upon the trial of the cause for which the change was had, shall be paid by the person asking for the change.

By striking out the word "further" in line 16, of section 1.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on cities and municipalities made the following report:

Mr. President:

Your committee on cities and municipalities to whom was referred:

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways **and to provide for the cost thereof**, and to create improvement districts within the limits of such cities."

Have had the same under consideration and recommend that the same do pass.

D. W. LUKE,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Have had the same under consideration and recommend that the same do pass.

Also,



Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Have had the same under consideration and recommend that the same be amended as follows:

In line 1 of the printed bill, after the word "of," strike out the words "two thousand" and insert in lieu thereof the words "fifteen hundred."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Marshall moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Have had the same under consideration and recommend that the same be amended as follows:

In line 3 of printed bill strike out the words "35,150" and insert in lieu thereof the words "30,000."

In line 3 strike out "24,000" and insert "17,000."

In line 6 strike out "10,500" and insert "10,000."

In line 7 strike out "10,450" and insert "9,200."

In line 8 strike out "5,000" and insert "4,000."

In line 9 strike out "2,400" and insert "2,000."

In line 10 strike out "800" and insert "600."

In line 11 strike out "1,700" and insert "1,500."

In line 12 strike out "550" and insert "400."

In line 13 strike out "1,000" and insert "400."

In line 14 strike out "300" and insert "100."

In line 15 strike out "600" and insert "500."

In line 16 strike out "1,850" and insert "1,300."

In line 18 strike out "35,150" and insert "30,000."

In line 19 strike out "10,000" and insert "9,400."

Strike out line 20.

In line 21 strike out "2,800" and insert "2,500."

In line 22 strike out "2,700" and insert "2,500."

In line 23, after the word "building," insert the words "and site," and strike out "1,800" and insert "1,700."

Strike out line 24.

In line 25 strike out "1,000" and insert "900."

Strike out line 26.

In line 28 strike out "24,800" and insert "17,000."

Also, in line 4 strike out all after the word "Lake," and in line 5 strike out the words "March 3, 1901."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Hanna moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 8.

A bill for an act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Have had the same under consideration and recommend that the same be amended as follows:

In lines 5 and 6 of printed bill strike out "172,000" and insert in lieu thereof "110,300."

In line 8 strike out "60,000" and insert "57,000."

In line 9 strike out "500" and insert "200."

In line 10 strike out "2,000" and insert "1,000."

In line 12 strike out "2,000" and insert "1,200."

In line 13 strike out "32,500" and insert "30,000."

In line 14 strike out "20,000" and insert "16,000."

In line 15 strike out "500" and insert "300."

In line 17 strike out "200" and insert "150."

In line 18 strike out "2,000" and insert "1,200."

In line 20 strike out "500" and insert "400."

In line 21 strike out "400" and insert "200."

Strike out "line 22."

Strike out in line 23 "172,000" and insert "110,300."

Insert after line 21 these words: "Purchase of additional land twelve hundred and fifty dollars (\$1,250)."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Cox moved

The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In line 3, of printed bill strike out "900" and insert in lieu thereof "300."

In line 4, strike out "1,200" and insert "600."

In line 5, strike out "1,200" and insert "800."

In line 8, strike out "5,000" and insert "4,500."

Strike out lines "9, 10, 11 and 12."

In line 13, strike out "4,500" and insert "2,000."

Strike out lines "14, 15 and 16"

In line 17, strike out "15,338" and insert "14,000"

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Twichell moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the printed bill strike out the words "\$10,000" and insert in lieu thereof the words "\$7,000."

In line 4 strike out "April 1" and insert "July 1," and strike out "March 31" and insert "June 30."

In line 5 strike out "6,000" and insert "4,300."

In line 6 strike out "800" and insert "500."

In line 7 strike out "400" and insert "250."

In line 8 strike out the words "and insurance," and strike out "100" and insert "50."

Strike out "line 10."

In line 11 strike out "1,000" and insert "600."

In line 12 strike out "1,300" and insert "1,000."

In line 13 strike out "10,000" and insert "7,000."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2, of section 1, of printed bill, strike out the words "52,335" and insert in lieu thereof the words "25,500."

Strike out all of line 3, after the word "Dakota."

Strike out line "4."

In line 5, strike out "20,000" and insert "15,500."

In line 6, strike out "3,500" and insert "2,000."

In line 7, strike out the words "2,000" and insert "1,865."

In line 12, strike out "1,500" and insert "1,000."

Strike out lines "14 and 15."

In line 17, strike "1,500" and insert "1,200."

In line 18, strike out "2,500" and insert "100."

In line 19, strike out "1,500" and insert "300."

In line 22, strike out "52,335" and insert "25,500."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Cox moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Have had the same under consideration and recommend that the same be amended as follows:

In line 4, section 1, printed bill strike out all after the word "Bismarck."

In line 5 strike out the words "years beginning March 1, 1899."

In line 7 strike out "3,600" and insert "3,200."

In line 8 strike out "2,000" and insert "1,800."

In line 9 strike out "1,000" and insert "800."

In line 10 strike out "1,000" and insert "800."

In line 11 strike out "500" and insert "300."

In line 12 strike out "14,000" and insert "13,000."

In line 13 strike out "25,000" and insert "23,400."

In line 15 strike out "1,500" and insert "1,000."

In line 16 strike out "1,500" and insert "1,000."

In line 17 strike out "2,000" and insert "1,500."

Strike out "lines 23 and 24."

In line 25 strike out "5,000" and insert "2,700."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Have had the same under consideration and recommend that the same be amended as follows:

In line 1 of section 1 of the printed bill after the word "appropriation" insert the words "for the year 1899 and for each and every year thereafter."

In line 4 strike out all after the word "Dakota" and insert in lieu thereof the words "as fixed by the state board of equalization for the preceding year the same."

In line 2, section 2, strike out all after the word "university."

And in line 3 strike out the words "fiscal year."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.



Mr. Arnold moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Have had the same under consideration and recommend that the same be amended as follows:

In line 11 of the printed bill strike out the words "7,225" and insert in lieu thereof "6,800."

In line 13 strike out "1,000" and insert "800."

Strike out line 15.

In line 16 strike out "1,200" and insert "700."

In line 17 strike out "500" and insert "300."

Strike out line 18.

In line 19 strike out "1,200" and insert "1,000."

In line 20 strike out "24,250" and insert "14,000."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Luke moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

Also,

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Also,

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Also,

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Also,

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of

the state of North Dakota, providing for the salary of the county treasurers.

Also,

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Also,

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Also,

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Also,

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of

the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Also,

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Also,

### CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring:

Whereas, From the treasurer's report it appears that \$22,700 of 4 per cent interest bearing bonds, issued for the University of North Dakota, dated May 1, 1889, and due May 1, 1909, with payment optional May 1, 1899; and

Whereas, The board of university and school lands has money enough on hand at all times to take up said bonds: therefore, be it

Resolved, That the board of university and school lands is hereby requested to bid for said bonds, par, to bear interest at the rate of 4 per cent per annum, payable semi-annually, and that the treasurer of the state of North Dakota be and he is hereby instructed to redeem said bonds, May 1, 1899, and re-issue them to the board of university and school lands at 4 per cent interest, payable semi-annually, to run twenty years from date of issue, providing said board bids in compliance with this resolution; and be it further

Resolved, That a copy of this resolution be presented to the secretary of said board and another to the state treasurer.

Which the house has passed unchanged.

Also,

Senate bill No. 29,

A bill for an act requiring county auditors and county treasurers to make out and publish quarterly statements.

Which was lost on final passage.

Also,

Senate bill No. 13,

A bill for an act in relation to making unknown parties and the unknown heirs of deceased persons, parties defendant in certain actions.

The further consideration of which was indefinitely postponed by the house.

Also,

Senate bill No. 73.

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Which the house has amended as follows:

Amend by adding thereto the following: "Provided, however, it is to be understood that all members of the house of representatives know that Senator Henry C. Hansbrough has, since the term of his office, persistently and at all times tried to get legislation through the senate of the United States in conformity with the requests of this resolution, and, further, that the senate of the United States, in the passage of the Hanna bill, two weeks ago, adopted, so far as they are concerned, all the request made in the concurrent resolution, and, further, that the bill is now before congress in the house of representatives.

Also,

Senate bill. No. 54,

A bill for an act to amend section 5887 of the revised codes.

Which the house has passed with the following amendment:

By inserting in the title after the word "codes" the words "relating to the foreclosure of mortgages upon personal property."

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Which the house has passed with the following amendments:

In printed bill after the word "sale" in line 7, insert the words "with the penalty of five per cent."

In line 9 by striking out the words "with a penalty of five per cent on the original amount of such taxes."

By striking out on line 10 the term "15 per cent" and substituting therefor the words "two per cent."

On the same line the word "annum," substituting in lieu thereof the word "month."

By striking out on lines 21, 22 and 23 after the word "annum" in the original bill, commencing with the word "together" and ending with the word "redemption," on lines 23 and 24 inclusive.

Also,

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Which the house has passed and amended as follows:

Sec. 3. He shall have charge of any exhibit of the products and resources of the state which may be made at any fair or exposition held at any point in the United States, and shall have authority to co-operate with any railroad company doing business within the state, and with any persons interested, with a view of securing such an exhibit at any fair or exposition held as aforesaid."

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In line 4 of section 1, printed bill, after the word "years" strike out the balance of the line and all of line 5 and insert in lieu thereof the words "seven thousand five hundred dollars."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Arnold moved

That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2, section 1, printed bill, strike out the words "48,500" and insert in lieu thereof the words "22,300."

Strike out all of line 4 after the word "Dakota."

Strike out all of "line 5."

In line 6 strike out "20,000" and insert "15,000."

In line 7 strike out "1,000" and insert "1,200."

In line 10 strike out "1,000" and insert "500."

In line 11 strike out "1,000" and insert "100."

Strike out "line 13."

In line 3, section 2, strike out the words "and ending June 30th, 1899."

And when so amended recommend that the same do pass.

T. TWICHELL,  
Chairman.

Mr. Cox moved

That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on enrolled and engrossed bills made the following report:



Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes relating to compensation of clerks of the district courts.

And find the same correctly engrossed.

Also,

Senate bill No. 129,

A memorial and concurrent resolution relating to Devils Lake.

Also,

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

And find the same correctly enrolled.

E. F. PORTER,

Chairman.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,

Chairman.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

H. M. CREEL,

Chairman.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal

of the forty-seventh day, and recommend the following corrections:

On page 8, line 15, strike out the word "senate" and insert the word "house."

In second line from bottom of page 8, "Charles H. Sturgeon" should read "Charles J. Sturgeon."

And when so amended recommend that the Journal of the forty seventh day be approved.

CHAS. DUNLAP;  
J. A. McDOUGAL.

Mr. President:

Your special committee on revision and correction of the Journal of the forty-sixth day respectfully report that it has carefully examined the Journal of the forty-sixth day and recommend the following corrections:

On page 18, on the final passage of Senate bill No. 110, those voting in negative should be 8, and absent and not voting 5.

Those voting in the negative should be: Messrs. Ames, Cashel, Cronan, Creel, Dunlap, Fuller of Pembina, McCanna and McCarten.

Absent and not voting: Messrs. Baker, Fuller of Stutsman, Marshall, Murphy and Porter.

And when so amended recommend that the Journal of the forty-sixth day be approved.

J. L. CASHEL,  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 21, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Also,

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Also,

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Also,

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Also,

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Which the house has passed unchanged.

Also,

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Which the house has passed amended as follows:

That the word "shall" in line 13, on page 2 of the printed bill, the words "not exceed 3 per cent per annum, payable on the minimum balance during each month," be stricken out and insert in lieu thereof the words "be not less than two, nor more than three per cent per annum, payable on the average daily balance; provided, that no state depository shall be paid any exchange whatsoever."

Also, amend the title by adding thereto, "relating to state depositories."

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Porter moved that

Senate bill No. 128,

A bill for an act compelling telephone companies to form connections with one another for the transmission and interchange of messages in certain cases.

Which was to come before the senate Thursday, (February 23, 1899,) at 3 p. m., be recommitted to the committee on railroads,

Which motion prevailed.

The courtesies of the floor were extended to I. McGregor of Dickinson.

## INTRODUCTION OF SENATE BILLS.

Mr. Luke introduced

Senate bill No. 157,

A bill for an act to amend section 872 of the Revised Codes of North Dakota and permitting the state high school board to prescribe military instruction as a part of the curriculum of the high schools of the state of North Dakota.

Mr. Laidlaw introduced

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897, entitled "an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge."

Mr. Arnold introduced

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Mr. Hanna moved

That the rules be suspended and senate bills introduced be given their first and second reading and reference,

Which motion prevailed.

## FIRST AND SECOND READING OF SENATE BILLS

Senate bill No. 157,

A bill for an act to amend section 872 of the Revised Codes of North Dakota and permitting the state high school board to prescribe military instruction as a part of the curriculum of the high schools of the state of North Dakota.

Was read the first and second times, and

Referred to the committee on military affairs.

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897, entitled "an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge."

Was read the first and second times, and

Referred to the committee on judiciary.

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised

Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing

Was read the first and second times, and

Referred to the committee on cities and municipalities.

The secretary announced that the president was about to sign House bill No. 18,

A bill for an act entitled an act to amend section 8531 of the Revised Codes of 1895 and to repeal section 8538 of said Codes.

Also,

House bill No. 28,

A bill for an act to amend an act entitled an act to amend section 2591 of the Revised Codes of North Dakota, relating to the meeting of township boards of supervisors, passed by the Fifth legislative assembly of North Dakota, relating to meetings of boards of township supervisors.

Also,

House bill No. 75,

A bill for an act to amend chapter 114, session laws of 1897, entitled "an act to amend section 76 of the Revised Codes of North Dakota, relating to accounts for printing and binding required by state officers and making an annual appropriation therefor."

Also,

House bill No. 129,

A bill for an act entitled an act establishing a hard fibre twine and cordage plant at the state penitentiary near Bismarck, and authorizing the board of trustees of the said state penitentiary to construct and operate said plant on the state's account, and prescribing certain duties for the state auditor and state treasurer in connection therewith.

Mr. Marshall moved

That the rules be suspended and

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Be put upon its third reading and final passage.

Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Senate bill No. 103,

A bill for an act to provide necessary assistance in the depart-



ment of the state examiner.

Was read the third time.

Mr. Marshall moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Arnold,  
Baker.  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Cronan,

Messrs—

Little,  
McGillivray,

Messrs—

Murphy,

Messrs. Ames, Cronan and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Marshall moved

That the vote by which Senate bill No. 103 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Was read the third time.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The roll was called and there were ayes 23, nays 4, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cox,  
Creel,  
Fuller, Pembina  
Fuller, Stutsman,  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Sanborn,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Cooper,  
Dunlap,

Messrs—

McDougal,

Messrs—

Sharpe,

Absent and not voting:

Messrs—

Ames,  
Cronan.

Messrs—

Murphy,

Messrs—

Porter,

Messrs. Ames, Cronan and Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes relating to compensation of clerks of the district courts.

Was read the third time.

Mr. Noble moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 20, nays 5, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Cashel,  
Cooper,  
Cox,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Baker,  
Hegge,

Messrs—

Laidlaw,  
LaMoure,

Messrs—

Sharpe,

Absent and not voting:

Messrs—

Ames,  
Cronan,

Messrs—

Creel,  
Fuller, Stutsman,

Messrs—

Murphy,  
Porter,

Messrs. Ames, Cronan and Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of 1895 relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Was read the third time.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 1, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting.

Messrs—

Ames,  
Cronan,  
Creel,

Messrs—

Fuller, Stutsman,  
Marshall,

Messrs—

Murphy,  
Twichell.

Messrs. Ames, Cronan and Murphy being excused.

Mr. Noble voting in the negative.

So the bill passed and the title was agreed to.

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

## Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,  
Hanna,

## Messrs—

Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

## Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

## Messrs—

Ames,  
Arnold,

## Messrs—

Cronan,  
Hegge,

## Messrs—

LaMoure,  
Murphy,

Messrs. Ames, Cronan and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the senate concur in house amendment to

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

The roll was called and there were ayes 13, nays 14, absent and not voting 4.

Those who voted in the affirmative were:

## Messrs—

Cashel,  
Cooper,  
Cox,  
Dunlap,  
Fuller, Pembina

## Messrs—

Fuller, Stutsman,  
Hegge,  
Laidlaw,  
LaMoure,

## Messrs—

Levang,  
Noble,  
Sanborn,  
Twichell.

Those voting in the negative were:

## Messrs—

Arnold,  
Creel,  
Hanna,  
Little,  
Luke,

## Messrs—

Mansfield,  
Marshall,  
McCanna,  
McCarten,  
McDougal,

## Messrs—

McGillivray,  
Porter,  
Sharpe,  
Slotten,

Absent and not voting:

## Messrs—

Ames,  
Baker,

## Messrs—

Cronan,

## Messrs—

Murphy,

Messrs. Ames, Cronan and Murphy being excused.

So the amendment was not concurred in.

Mr. LaMoure moved

That a conference committee be appointed to meet with a like committee from the house to confer on the house amendments to Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Which motion prevailed.

The president appointed Messrs. LaMoure, Sharpe and Hegge as such committee.

Mr. Noble moved

To concur in the house amendment to

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina,  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Cronan,

Messrs—

Laidlaw,  
LaMoure,

Messrs—

Little,  
Murphy,

Messrs. Ames, Cronan and Murphy being excused.

So the house amendments were concurred in.

Mr Noble moved

That the senate concur in house amendments to

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Fuller, Stutsman,  
Hanna,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Marshall,

Messrs—

McCanna,  
McDougal  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Arnold,  
Cronan,  
Hegge,

Messrs—

LaMoure,  
Mansfield,  
McCarten,

Messrs—

McGillivray,  
Murphy,  
Porter,



Messrs. Ames, Cronan and Murphy being excused.

So the amendments were concurred in.

Mr. Cashel moved

That the senate concur in the house amendment to

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

Messrs—

Ames,  
Cronan,

Messrs—

Murphy,

Messrs—

Porter,

Messrs. Ames, Cronan and Murphy being excused.

So the amendments were concurred in.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 21, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Also,

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Also,

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of

hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Also,

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Which the house has passed unchanged.

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Which the house has passed with the following amendment:

Amend the title by adding thereto: "Relating to terms of court in the second judicial district."

And your concurrence therein is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

The secretary announced that the president was about to sign House bill No. 40,

A bill for an act to amend section 1786, of article 25, chapter 20, of the Political Code of the state of North Dakota, which defines public warehouses.

Mr. Little moved

That the rules be suspended and all House bills be given their first and second reading and reference,

Which motion prevailed.

## SECOND READING OF HOUSE BILLS.

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Was read the second time and

Referred to the committee on banks and banking.

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Was read the first and second times, and

Referred to the committee on cities and municipalities.

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Was read the first and second times, and

Referred to the committee on state affairs.

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Was read the first and second times, and

Referred to the committee on highways, bridges and ferries.

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Was read the first and second times, and

Referred to the committee on public health.

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Was read the first and second times, and

Referred to committee on school and public lands.

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Was read the first and second times, and

Referred to committee on school and public lands.

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Was read the first and second times, and

Referred to the committee on agriculture.

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Was read the first and second times, and

Referred to the committee on cities and municipalities.

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Was read the first and second times, and

Referred to the committee on general orders.

### THIRD READING OF HOUSE BILLS.

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 23, nays none; absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina,  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McDougal  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Arnold,  
Cronan,

Messrs—

LaMoure,  
Little,  
McCarten,

Messrs—

Porter,  
Murphy,

Messrs. Ames, Cronan and Murphy, being excused.

So the bill as amended passed and the title was agreed to.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

Was delivered to his excellency, the governor, for his approval at the hour of 4 o'clock, p. m. February 21, 1899.

E. F. PORTER,  
Chairman.

Mr. McGillivray moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,  
Secretary.



## FIFTY-SECOND DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 23, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Murphy, who was excused.

Mr. McCarten moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Laidlaw, Twichell and Fuller of Stutsman committee to correct and revise the Journal of the fiftieth day.

Mr. Arnold presented the following petition:

To the Honorables H. F. Arnold, State Senator, and W. W. Glasgow and T. E. Tufte, Representatives:

We, the members, officers and teachers of the Presbyterian Sunday school of Larimore, N. D., respectfully refer you to Senate bill No. 116, being a bill for an act to prohibit the use of cigarettes by minors under the age of 18 years, and to regulate the sale thereof; and urge you to give this subject your most earnest support and influence, to the end that this degenerating habit and traffic may be effectually eradicated from our state. We will anxiously follow your actions in reference to this matter during the present session of the legislature.

Very respectfully,

E. M. ARWOOD,  
(And 37 others.)

Referred to the committee on public health.

Mr. Hanna presented the following petition:

PAGE, N. D., Feb. 18, 1899.

Hon. L. B. Hanna:

We, the undersigned, petition you to vote for the Tousley bill, changing the penalty for Sabbath breaking from \$1 to \$10.

Signed by WILLIAM BERRY  
(And 62 others).

Referred to the committee on state affairs.

Mr. Dunlap presented the following petition:

LAKOTA, N. D., Feb. 19, 1899.

We, the undersigned members of the Sunday school of the M. E. church at Lakota, are heartily in favor of a law to prohibit and punish the sale and use of cigarettes, and to prohibit and punish the use of cigarettes, cigars and tobacco by persons under 18 years of age; and we do earnestly recommend the passage by our state legislature of "Senate bill No. 116," or of such modification of it as may be most effectual to prevent the sale and use of cigarettes and tobacco and cigars as above stated.

Signed by ARTHUR GOLDAMMER  
(And 36 others).

Referred to the committee on public health.

#### REPORTS OF STANDING COMMITTEES.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Have had the same under consideration and recommend that the same be amended as follows:

After the word "depositories" in line 3, of printed bill, add the following: "equal balances at all times; provided, that in counties where two or more banks, are designated as depositories, the amount deposited in any bank shall not exceed the capital of such bank; provided, further, that in counties where the county deposits exceed the capital of the banks in the county, then the county commissioners shall deposit the funds of the county, in the banks of the county, upon their giving a bond according to law."

And when so amended recommend that the same do pass.

D. W. LUKE,  
Chairman.

Mr. Laidlaw moved  
That the report be adopted.

Which motion prevailed, and  
The report was adopted.

The committee on temperance made the following report:

Mr. President:

Your committee on temperance to whom was referred  
Senate bill No. 16,

A bill for an act to amend sections 7595 and 7596, chapter 63 of Revised Codes of the state of North Dakota, relating to prohibition. Unlawful dealing in intoxicating liquors. Physicians may prescribe under what conditions. Druggist sale regulated. Affidavits. Oaths. Blanks furnished. Sales recorded. Penalty.

Have had the same under consideration and recommend that the same be indefinitely postponed.

R. C. COOPER,  
Chairman.

Mr. Hanna moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on cities and municipalities made the following report:

Mr. President:

Your committee on cities and municipalities to whom was referred

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Have had the same under consideration and recommend that the same do pass.

D. W. LUKE,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House bill No. 71,

A bill for an act to provide for the construction and mainten-

ance of dams across running streams for use in operating mills and for irrigation purposes.

Have had the same under consideration and recommend that the same be amended as follows:

By adding at the end of section 1 thereof as follows, viz: "Provided, that all dams erected under the provisions of this act shall be constructed with such sluice ways as will allow fish to ascend any stream so dammed."

And in section 2, printed bill, between the words "petition" and "setting," inserting the following, viz: "naming each person known to be affected or damaged."

By striking out all of section 6, and inserting in lieu thereof as follows, viz: "At least thirty days notice shall be given in all cases, which shall be served in the manner prescribed by law for the service of summons in the district court, and such notice shall be published for at least four successive weeks in a newspaper in the county nearest the location of the proposed dam."

In line 2, section 7, of printed bill, after the word "notice," insert the following: "and shall cause a preliminary survey to be made."

In line 7, same section, strike out the word "forever."

Add to section 8 the following: "to all persons named in the petition, or that may be shown to be damaged by the preliminary survey."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,

Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills to whom was referred

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Also,

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Also,

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of



the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Also,

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Also,

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Also,

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Also,

### CONCURRENT RESOLUTION.

Be it Resolved by the Senate, the House of Representatives Concurring:

Whereas, From the treasurer's report it appears that \$22,700 of 4 per cent. interest bearing bonds, issued for the University of North Dakota, dated May 1, 1889, and due May 1, 1909, with payment optional May 1, 1899; and

Whereas, The board of university and school lands has money enough on hand at all times to take up said bonds; therefore, be it

Resolved, That the board of university and school lands is hereby requested to bid for said bonds, par, to bear interest at the rate of 4 per cent per annum, payable semi annually, and that the treasurer of the state of North Dakota be and he is hereby instructed to redeem said bonds, May 1, 1899, and re-issue them to the board of university and school lands at 4 per cent interest, payable semi-annually, to run twenty years from date of issue, providing said board bids in compliance with this resolution; and be it further

Resolved, That a copy of this resolution be presented to the secretary of said board and another to the state treasurer.

Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Also,

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

And find the same correctly enrolled.

Also,

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Also,

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscel

laneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Also,

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Also,

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Also,

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 100,

A bill for an act to amend section 8494 of the Revised Codes of 1895 relating to the governor demanding the return of fugitives from justice in this state of the executive authority of any other state or territory within the United States providing for the appointment of agents to receive and return such fugitives and providing for payment of such agents.

Also,

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 8,

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Also,

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Also,

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the forty-ninth day, and recommend the following corrections:

Page 39, add as the 14th line from top of page, "was read third time."  
On same page, 21st line, insert before the word "consent," the words "advice and."

And when so amended recommend that the Journal of the forty-ninth day be approved.

J. B. SHARPE,  
Chairman.

Mr. Sharpe moved  
The adoption of the report of the committee,  
Which motion prevailed, and  
The report was adopted.

#### REPORT OF SELECT COMMITTEE.

We, the joint conference committee appointed to confer upon Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Beg leave to report as follows:

Unanimously, that we advise that the house do not recede from its amendment, and that the senate concur in said amendment.

ORMSBY McHARG,  
Chairman House Committee.

JUDSON LAMOURE,  
Chairman Senate Committee.

Mr. LaMoure moved  
The adoption of the report of the committee,  
Which motion prevailed, and  
The report was adopted.

The secretary announced that the president was about to sign House bill No. 102,

A bill for an act to amend section 338 of the Revised Codes of North Dakota, relating to supplies for public offices, repairs upon the capitol building and executive mansion and the public grounds and parks connected therewith, and making an annual appropriation therefor.

Also,  
House bill No. 51,

A bill for an act entitled an act to amend section 75 of chapter 126, of the session laws of 1897, entitled "an act prescribing the mode of making assessments of property, the equalization of and the levy and collection of taxes and for all other purposes relative thereto, and the repealing of sections 1176 to 1198 inclusive, 1200 to 1229 inclusive, 1231, 1234, 1237 to 1240 inclusive, 1242 to 1247 inclu-



sive, 1250 to 1253 inclusive, 1255 to 1290 inclusive, 1294, 1296, 1309, 1321, 1325 to 1330 inclusive, 1336 to 1339 inclusive, and 1346 of the Revised Codes of North Dakota of 1895, and all other sections and parts of sections of said codes, and of all acts and parts of acts inconsistent with the provisions of this act."

Also,

House bill No. 66,

A bill for an act entitled, an act to provide for mortgaging the real estate of a deceased person, of a minor, or of an incompetent person.

Also,

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Also,

Senate bill No. 9,

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Also,

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Also,

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Also,

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Also,

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Also,

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Also,

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.

Also,

Concurrent resolution relating to university and school land bonds.

Also,

Senate bill No. 148,

A bill for an act to permit the board of county commissioners to abate a portion of delinquent taxes and penalty on certain real estate.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Mr. Cashel moved

That the vote by which house amendments to

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Passed be reconsidered,

Which motion prevailed.

Mr. Cashel moved

That the senate do not concur in house amendments to

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

And that a conference committee be appointed with a like committee from the house to confer on house amendments to

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Which motion prevailed.

The president appointed as such committee Messrs. Cashel and Little.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 23, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Also,

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Also,

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Also,

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

Also,

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Also,

Substitute for House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Also,

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Also,

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Also,

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Also,

Concurrent resolution, introduced by Mr. Wallace, relating to North Dakota volunteers at Manila.

Also,

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Also,

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Also,

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

Also,

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Also,

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Also,

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Also,

House bill No. 81,

A bill for an act to provide for the collection of taxes on real property by action.

Also,

House bill No. 182,

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

Which the house has passed and your favorable consideration thereof is respectfully requested.

I also have the honor to transmit herewith:



Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Which the house has passed with an amendment:

Striking out from the preamble of the bill the words "especially that part known as the Missouri slope."

And your concurrence therein is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Arnold moved

That the senate concur in the house amendments to

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

The roll was called and there were ayes 28, nays 1, absent and not voting 2.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman.

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting, Messrs. Murphy and Noble.

Mr. Murphy being excused.

Mr. Cooper voting in the negative.

So the amendments were concurred in.

Mr. Hanna moved

That the senate concur in the house amendments to

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Luke,  
Marshall,

Messrs—

Murphy,

Messrs—

Noble,

Mr. Murphy being excused.

So the amendments were concurred in.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 21, 1899.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 74,

A bill for an act to amend section 3549 of the Revised Codes of North Dakota relating to incumbrances.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

#### INTRODUCTION OF SENATE BILLS.

Mr. Ames introduced

Senate bill No. 160,

A bill for an act to provide for the apportionment of the indebtedness of school districts, school corporations, or school townships when divided.

Mr. Little asked unanimous consent to introduce an appropriation bill, which request was granted.

The judiciary committee introduced

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Joint committee on grain inspection introduced

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Mr. Cooper introduced

Senate bill No. 163,

A bill for an act prescribing qualifications of county judges.

Mr. Creel, by request, introduced

Concurrent resolution, urging the creation of a chair for the instruction of the Spanish language in the University of North Dakota, Grand Forks, N. D.

Which was read, and

Referred to the committee on education.

Mr. Sharpe introduced

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Mr. Little moved

That the rules be suspended and all Senate bills introduced be given their first and second reading and reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 160,

A bill for an act to provide for the apportionment of the indebtedness of school districts, school corporations, or school townships when divided.

Was read the first and second times, and

Referred to the committee on education.

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Was read the first and second times.

Senate bill No. 163,

A bill for an act prescribing qualifications of county judges.

Was read the first and second times, and  
Referred to the committee on judiciary.

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeal from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Was read the first and second times, and  
Referred to the committee on highways, bridges and ferries.

### THIRD READING OF SENATE BILLS.

Senate bill, No. 56,

A bill for an act making a appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting, Messrs. McGillivray and Murphy.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate bill No. 56 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26, nays 2, absent and not voting 3.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCanna,
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	McDougal,
Cashel,	Laidlaw,	Porter,
Cooper,	LaMoure,	Sanborn,
Cox,	Little,	Sharpe,
Cronan,	Luke,	Slotten,
Creel,	Mansfield,	Twichell.
Fuller, Pembina	Marshall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
McGillivray,	Murphy,	Noble,

Messrs. Dunlap and Levang voting in the negative.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Marshall moved

That the vote by which Senate bill No. 133 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Was read the third time.

Amend Senate bill No. 52 by striking out all of lines 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, and inserting in lieu thereof the following:

Current expenses .....	\$ 2,200
Subsistence.....	6,200
Clothing.....	800
Household .....	1,300
Hospital .....	1,600
Transportation .....	200
Construction.....	400
Farm .....	1,000
Repairs .....	300

Total..... \$ 14,000

Mr. Sanborn moved

The adoption of the amendments,

Which motion prevailed.

The question being upon the final passage of the bill as amended.



The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Creel,

Messrs—

Murphy,

Messrs—

Twichell.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Sanborn moved

That the vote by which Senate bill No. 52 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting, Messrs. LaMoure and Murphy,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate bill No. 18 passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina,  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McCarten,  
McDougall,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

LaMoire,  
Murphy,

Messrs—

Noble,

Messrs—

Twichell.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Ames moved

That the vote by which Senate bill No. 38 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 8.

A bill for an act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougall,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting, Messrs. Murphy and Twichell.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Fuller, of Stutsman, moved

That the vote by which Senate bill No. 8 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting, Messrs. Murphy and Noble.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Cox moved

That the vote by which Senate bill No. 31 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and

dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

LaMoire,  
Little,

Messrs—

McDougal,  
Murphy,

Messrs—

Noble,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Creel moved

That the vote by which Senate bill No. 30 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26, nays 1 absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Pembina,  
McGillivray,

Messrs—

Murphy,

Messrs—

Noble,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Twichell moved

That the vote by which Senate bill No. 42 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Twichell moved

That the president appoint a committee of five to investigate charges against Hon. J. H. Worst as to salary, while Lieutenant Governor,

Which motion prevailed.

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Was read the third time.

Mr. LaMoure offered the following amendments to Senate bill No. 90:

Amend amendment as follows:

After the word "had," in line 19, of page 4, Senate Journal of the fiftieth day, add the following: "and the extra expense of the court and jury, incurred by reason of said change, shall be paid by the person asking for the change, in advance, or a bond to be approved by the clerk of the district court given therefor, the amount of said bond being fixed by the presiding judge."

Strike out all on said line 19, after the word "had."

Mr. LaMoure moved

That the amendment be adopted,

Which motion prevailed.

Mr. LaMoure offered the following amendment to Senate bill No. 90:

Add the following clause to the bill:

"Emergency.) Whereas, an emergency exists in that there is now no law providing for the calling in of the judge of another district for the trial of civil actions in the district court on the grounds of prejudice of the trial judge, therefore this law shall take effect and be in force on and after its passage and approval."

Mr. LaMoure moved

That the amendment be adopted,

Which motion prevailed.

The question being upon the final passage of the bill as amended.



The roll was called and there were ayes 17, nays 11, absent and not voting 3.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Creel,	McCanna,
Baker,	Dunlap,	McCarten,
Cashel,	Fuller, Pembina	McDougal,
Cooper,	Fuller, Stutsman,	Sharpe,
Cox,	LaMoure,	Twichell.
Cronan,	Mansfield,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Ames,	Little,	Porter,
Hanna,	Luke,	Sanborn,
Hegge,	McGillivray,	Slotten,
Laidlaw,	Noble,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Levang,	Marshall,	Murphy,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

And the emergency clause did not prevail.

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	Marshall,
Arnold,	Hanna	McCanna,
Baker,	Hegge,	McCarten,
Cashel,	Laidlaw,	McDougal,
Cooper,	LaMoure,	Porter,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.
Fuller, Pembina		

Absent and not voting:

Messrs—	Messrs—	Messrs—
McGillivray,	Murphy,	Noble,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate bill No. 130 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Was read the third time.

Mr. Hanna moved

That the report of the committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,

Messrs—

Luke,  
Mansfield,  
McCarten,  
McDougal,  
Noble,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Little,  
Marshall,  
McCanna,

Messrs—

McGillivray,  
Murphy,

Messrs—

Porter,  
Sanborn,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Was read the third time.

Mr. Creel moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 28, nays none, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

LaMoure,

Messrs—

Murphy,

Messrs—

Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Levang,

Messrs—

Murphy,

Messrs—

Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate bill No. 142 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26, nays 1, absent and not voting 4.

Those who voted in the affirmative were:

**Messrs—**

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Fuller, Pembina,  
Fuller, Stutsman,

**Messrs—**

Hanna,  
Hegge,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCarten,

**Messrs—**

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell,

Absent and not voting:

**Messrs—**

Creel,  
Dunlap,

**Messrs—**

Laidlaw,

**Messrs—**

Murphy,

Mr. Murphy being excused.

Mr. McCanna voting in the negative.

So the bill as amended passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate bill No. 105 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Slotten moved

The withdrawal of

Senate bill No. 113,

A bill for an act fixing the time for holding terms of district court in the several counties comprising the fourth judicial district.

Which motion prevailed.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Also,

Senate bill No. 84.

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same,

Also,

Senate bill No. 24,

Senate bill for an act to define the duties of commissioner of agriculture and labor.

Also,

Senate bill No. 9.

A concurrent resolution amending section 162 of the constitution of the state of North Dakota.

Also,

Senate bill No. 99.

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation.

Also,

Senate bill No. 61.

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Also,

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota, relating to terms of court in the Second Judicial district.

Also,

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Also,



Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Also,

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Were delivered to his excellency, the governor, for his approval at the hour of 3:45 o'clock p. m., February 23, 1899.

E. F. PORTER,

Chairman.

The courtesies of the floor were extended to A. M. Baldwin, E. Y. Sarles, Geo. M. Young, J. P. Tingle, P. J. McClory. Ever Wagners, H. S. Oliver, Ed Pierce, E. C. Gearey and S. J. Hill.

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Was read the first and second times, and

Referred to the committee on highways, bridges and ferries.

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Was read the first and second times, and

Referred to the committee on highways, bridges and ferries.

House bill No. 182,

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Was read the first and second times, and

Referred to the committee on judiciary.

Concurrent resolution, by Mr. Wallace, relating to the protection of the soldiers of this state and of the Union in the war with Spain.

Was read the first and second times, and

Referred to committee on military affairs.

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Was read the first and second times, and

Referred to the committee on agriculture.

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Was read the first and second times, and

Referred to the committee on cities and municipalities.

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the first and second times, and

Referred to the committee on insurance.

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 81,

A bill for an act to provide for the collection of taxes on real property by action.

Was read the first and second times, and

Referred to the committee on judiciary.

Substitute for House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Was read the first and second times, and

Referred to committee on public lands.

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code

of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Was read the first and second times, and

Referred to the committee on stock.

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

Was read the first and second times, and

Referred to the committee on education.

Mr. Porter moved that

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Be recalled from the house on account of mistake in engrossing,

Which motion prevailed.

Miss Clara Ullum and Miss Katherine H. Call were sworn in as clerks for the enrolling and engrossing force.

Mr. Cox moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## FIFTY-THIRD DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 24, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Murphy, who was excused.

Mr. Sharpe moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Cooper, Hanna and Mansfield a committee to correct and revise the Journal of the fifty-second day.

Mr. LaMoure moved

That the committee appointed to correct and revise the Journal of the fifty-second day be instructed to correct the said Journal so as to read:

That the committee is appointed to inquire into whether "J. H. Worst drew two salaries at the same time—that for lieutenant governor and for president of the agricultural college.

Which motion prevailed.

Mr. LaMoure presented the following petition from citizens of Cass county, relating to study.

\*To the Honorable: the Senate and House of Representatives of the State of North Dakota in legis'lature convened.

Your petitioners, resident and tax-paying legal voters of Cass county, respectfully represent to your honorable body the need of the study of foreign languages, especially of the German, Norwegian and Swedish languages, in our public schools. A great majority of families in a num-



ber of districts of this county desire that their children should, besides the branches specified by law, learn to read and write German, Norwegian or Swedish, at least a few hours weekly.

We therefore petition your honorable body to enact a law granting permission to any school district to add as a branch of study, at the option of the school board, or at the request of the majority of the school patrons of a school district, any foreign language, especially German, Norwegian or Swedish, to the regular course of studies.

JOHN DITTMER,  
(and 43 others.)

Referred to the committee on education.

### REPORTS OF STANDING COMMITTEES.

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Also,

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Also,

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Have had the same under consideration and recommend that the same do pass.

A. SLOTTEN,  
Chairman.

The committee on cities and municipalities made the following report:

Mr. President:

Your committee on cities and municipalities to whom was referred

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Also,

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Also,

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Have had the same under consideration and recommend that the same be amended as follows:

That the emergency clause be stricken out.

And when so amended recommend that the same do pass.

D. W. LUKE,

Chairman.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The committee on cities and municipalities made the following report:

Mr. President:

Your committee on cities and municipalities to whom was referred

Senate bill No. 75,

A bill for an act authorizing counties, cities and other municipal corporations to pay obligations for carrying on the usual business of such counties, cities and other municipal corporations during any period when their debts exceed the constituted limitations.

Have had the same under consideration and recommend that the same be indefinitely postponed.

D. W. LUKE,  
Chairman.

Mr. Hanna moved

The adoption of the report of the committee, .

Which motion prevailed and

The report was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred  
Senate bill No. 128,

A bill for an act compelling telephone companies to form connections with one another for the transmission and interchange of messages in certain cases.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JUDSON LAMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom referred

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred  
Concurrent resolution.

Also,

Senate bill No. 157,

A bill for an act to amend section 872 of the Revised Codes of,

North Dakota and permitting the state high school board to prescribe military instruction as a part of the curriculum of the high schools of the state of North Dakota.

Have had the same under consideration and recommend that the same do pass.

H. M. CREEL,  
Chairman.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred  
Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Also,

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Have had the same under consideration and recommend that the same do pass.

W. E. MANSFIELD,  
Chairman.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred  
Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Have had the same under consideration and recommend that the same be amended as follows:

By the addition of the following emergency clause:

"Sec. 2. Emergency,] Whereas, there is now no law providing for registration of voters at annual city elections, an emergency exists; therefore this act shall take effect and be in force from and after its passage and approval."

And when so amended recommend that the same do pass.

H. F. ARNOLD,  
Chairman.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Have had the same under consideration and recommend that the same be amended as follows:

That section 3, line 2, of the printed bill, be amended by striking out the word "twenty," and insert in lieu thereof the word "ten."

Amend section 4, line 2, of the printed bill, by striking out the word "nine," and insert in lieu thereof the word "two," and strike out of the same line the word "five" and insert in lieu thereof the word "nine," and strike out in line 3 the word "three" and insert in lieu thereof the word "one," and strike out in line 2 the letters "a. m." and insert in lieu thereof the letters "p. m."

And when so amended recommend that the same do pass.

H. F. ARNOLD,

Chairman.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Have had the same under consideration and recommend that the same do pass.

WESLEY BAKER,

Chairman.

The committee on warehouses, grain and grain grading made the following report:

Mr. President:

Your committee on warehouses, grain and grain grading to whom was referred

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.



Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,  
Chairman.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred  
House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Have had the same under consideration and recommend that the same do pass.

R. McCARTEN,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out "and assistant state's attorney" in the title of said bill.

And striking out all of section 1 after the word "services" in line 9 thereof.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 163,

A bill for an act prescribing qualifications of county judges.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Have had the same under consideration and recommend that the same be amended as follows:

In line 10 of printed bill strike out all after the word "action" and ending with the word "heirs" in line 11 thereof.

In line 27 of printed bill insert after the word "summons" and before the word "provided," as follows, viz.: "And a copy of said notice of lis pendens be printed and published with said summons," and following next thereafter in the columns of the newspaper wherein said summons is printed and published:

By adding section 2 as follows:

"Section 2. That when the heirs of a deceased person are proper parties defendant to any action relating to real property in this state, and when the names and residences of such heirs are unknown, such heirs may be proceeded against under the name and title of 'the unknown heirs' of the deceased. Upon presenting an affidavit to the court or judge, showing to his satisfaction that the heirs of such deceased person are proper parties to the action, and that their names and residences cannot, with use of reasonable diligence, be ascertained, such court or judge, may grant an order that service of the summons in such action be made on such 'unknown heirs' by publication thereof in the same manner as in actions against non-resident defendants. Any order, judgment or decree made or rendered in any such case shall be valid and binding on such unknown heirs, whether they be of age or minors. Such heirs may, on application to the court, and on sufficient cause shown, be allowed to defend such action, at any time within one year after the rendition of judgment thereon: Provided, that if it shall appear that such heirs were minors at the time such judgment was rendered, they may be allowed to defend the action at any time within two years from the day of their becoming of age."

Sec. 3. Emergency. Whereas, an emergency exists in that there is no law in force covering the subject matter of the foregoing enactment, therefore this act shall take effect and be in force from and after its passage and approval.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Little moved

That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 11,

A bill to regulate the granting of marriage licenses.

Have had the same under consideration and recommend that the same be amended as follows:

In line 5, of section 1, insert after the word avoidable, "one of whom shall be a female physician where practicable."

By adding to section 1, "provided, however, that a certificate issued in one county, shall be good in any other county in the state."

By changing the figures "\$100" at the beginning of line 4, of section 4, to read "\$300."

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McCanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. President:

A majority of your committee on judiciary to whom was referred

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
V. B. NOBLE,  
A. C. MCGILLIVRAY,  
J. B. SHARPE,  
D. W. McCANNA,

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

A minority of your committee on judiciary to whom was referred

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Submit the following:

The undersigned, a sub-committee appointed by the committee on judiciary to investigate the condition of the loans made on farm lands, from the public school funds, would respectfully state that, on investigation, it found some irregularities that should be corrected, but none that was considered fatal, from the fact that

the maximum interests and installments due were nearly all paid at maturity, and those that were not, on close examination, were considered good; therefore it would recommend that there be enactments passed placing greater safeguards around future investments, or that the operations of the law be suspended for two years, in order to fully ascertain the exact condition of the present loans.

It is also, in our opinion, a matter of necessity that the board of university and school lands shall be authorized to employ a competent abstractor, whose duties shall be to perfect the titles to all the farm loans that have been made, and that a suitable appropriation be made to cover the expense.

J. L. CASHEL,  
L. B. HANNA,  
F. W. AMES.

Mr. Cashel moved as a substitute  
That the minority report be adopted,  
Which motion did not prevail.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred  
Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Have had the same under consideration and recommend that the same be amended as follows:

On page 1, line 8, in the printed bill, before the word "commission," insert the word "full."

On page 2, line 17, before the word "commission," insert the word "full."

Strike out sections 2 and 4.

And when so amended recommend that the same do pass.

O. I. HEGGE,  
Chairman.

Mr. Cronan moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer

of state funds collected by or in the hands of county treasurers.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,  
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Also,

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

And find the same correctly enrolled.

Also,

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Also,

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Also,

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Also,

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal



respectfully report that they have carefully examined the Journal of the fiftieth day, and recommend the following corrections:

After the 29th line, insert the following:

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

February 23, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Also,

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Also,

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Also,

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Also,

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Page 13, before line 3, from the bottom of the page insert the following:

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Which the house has passed unchanged.

Also,

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Which the house has passed amended as follows:

That the word "shall" in line 13, on page 2, of the printed bill, the words, "not exceed 3 per cent per annum, payable on the minimum balance during each month," be stricken out and insert in lieu thereof the words "be not less than two, nor more than three per cent per annum, payable on the average daily balance; provided, that no state depository shall be paid any exchange whatsoever."

Also, amend the title by adding thereto, "relating to state depositories.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

#### REPORTS OF STANDING COMMITTEES.

And when so amended recommend that the Journal of the fiftieth day be approved.

W. A. LAIDLAW,

Chairman.

Mr. Laidlaw moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The secretary announced that the president was about to sign Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Also,

Senate bill. No. 54,

A bill for an act to amend section 5887 of the revised codes.

Mr. LaMoure moved

That the report of the committee on

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Be not adopted as far as emergency clause is considered,

Which motion did not prevail.

Mr. Little moved

That a steering committee of five be appointed to be announced Monday next,

Which motion prevailed.

## INTRODUCTION OF SENATE BILLS.

Mr. Creel introduced

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Mr. Twichell introduced

Senate bill No. 166,

Proposed amendment to the constitution of the state of North Dakota.

Mr. Slotten asked unanimous consent to introduce an appropriation bill.

Which consent was granted.

Mr. Slotten introduced

Senate bill No. 167,

A bill for an act to reimburse parties sustaining loss on leasing school lands, and providing for an appropriation therefor.

Mr. Creel moved

That the rules be suspended and all Senate bills introduced be given their first and second reading and reference.

Which motion prevailed

## FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Was read the first and second times, and

Referred to the committee on counties.

Senate bill No. 166,

Proposed amendment to the constitution of the state of North Dakota.

Was read the first and second times, and

Referred to committee on school and public lands.

Senate bill No. 167,

A bill for an act to reimburse parties sustaining loss on leasing school lands, and providing for an appropriation therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 24, 1899.

Mr. President:

I have the honor to transmit herewith  
House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,  
Chief Clerk.

## THIRD READING OF SENATE BILLS.

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Was read the third time.

Mr. Sharpe moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina,  
Fuller, Stutsman,  
Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McDougal  
McGillivray,  
Noble,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Hegge,  
Marshall,

Messrs—

Murphy,  
Porter,

Messrs—

Sharpe,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting, Messrs. Murphy and Sharpe.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Was read the third time.

Mr. Cashel moved

That the report of the committee be adopted,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,



Messrs—

Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

Porter,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting, Messrs. Murphy and Sharpe.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate bill No. 149 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Was read the third time.

Mr. McCarten moved

That the report of the committee be adopted,

Which motion prevailed

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting, Messrs. Murphy and Sharpe,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309

of said Revised Codes relating to the manner and form of issuing bonds.

Was read the third time.

Mr. Ames offered the following amendment:

In line 3, section 1, strike out "2308" and insert in lieu thereof, "2309."

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cronan,  
McCanna,

Messrs—

Murphy,

Messrs—

Porter,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Little moved

The rules be suspended and

Senate bill No. 163,

A bill for an act prescribing qualifications of county judges.

Be put upon its third reading and final passage,

Which motion prevailed.

Senate bill No. 163,

A bill for an act prescribing qualifications of county judges.

Was read the third time.

Mr. Hegge offered the following amendment:

On line 3 in the printed bill strike out the words "four thousand" and insert "six thousand."

And moved its adoption,

Which amendment was lost.

Mr. McGillivray moved as a substitute

To strike out "six thousand" and insert in lieu thereof the words "ten thousand."

And moved its adoption,

Which substitute was lost.

The question being upon the final passage of the bill.

The roll was called and there were ayes 14, nays 15, absent and not voting 2.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Creel,

Messrs—

Fuller, Stutsman,  
Hanna,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
Sharpe,  
Twitchell.

Those voting in the negative were:

Messrs—

Baker,  
Cox,  
Dunlap,  
Fuller, Pembina  
Hegge,

Messrs—

Laidlaw,  
LaMoure,  
Levang,  
McCarten,  
McDougal,

Messrs—

McGillivray,  
Noble,  
Porter,  
Sanborn,  
Slotten,

Absent and not voting, Messrs. Cronan and Murphy.

Mr. Murphy being excused.

So the bill did not pass.

Mr. Little moved

That the rules be suspended, and

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Be put upon its third reading and final passage,

Which motion prevailed.

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 16, nays 12, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Baker,  
Cox,  
Creel,  
Fuller, Pembina  
Fuller, Stutsman,  
Hegge,

Messrs—

LaMoure,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,

Those voting in the negative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,

Messrs—

Dunlap,  
Hanna,  
Levang,  
Luke,

Messrs—

McCarten,  
McDougal,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cronan,

Messrs—

Laidlaw,

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

And the emergency clause was lost.

Mr. Little moved

That the vote by which Senate bill No. 4 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. McGillivray moved

That the rules be suspended, and

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

And

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Be put upon their third reading and final passage,

Which motion prevailed.

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

Was read the third time.

Mr. Luke moved

That the report of the committee be adopted,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cronan,  
LaMoure,

Messrs—

Murphy,

Messrs—

Sharpe,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. McCanna moved

That the vote by which House bill No. 171 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Was read the third time.

Mr. McGillivray moved

That the report of the committee be adopted,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 5; absent and not voting 1.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina,

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Those voting in the negative were:

Messrs—

Dunlap,  
Levang,

Messrs—

McCarten,  
Noble,

Messrs—

Twichell.

Absent and not voting, Mr. Murphy.



Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. McGillivray moved

That the vote by which House bill No. 80 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Noble moved

That the rules be suspended, and

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Be read the third time and put upon its final passage,

Which motion prevailed

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman.

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting, Messrs. Cox and Murphy.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Arnold moved

That the rules be suspended, and

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Be read the third time and put upon its final passage,

Which motion prevailed.

House bill No. 114,

A bill for an act to amend section "1620" of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays 3, absent and not voting 7.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Ames,	Hanna,	Mansfield,
Arnold,	Hegge,	Marshall,
Baker,	Laidlaw,	McCanna,
Cashel,	LaMoure,	McCarten,
Cooper,	Levang,	Sanborn,
Cronan,	Little,	Slotten,
Dunlap,	Luke,	Twichell.

Those voting in the negative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Fuller, Pembina	Fuller, Stutsman,	Sharpe,

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Cox,	McGillivray,	Noble,
Creel,	Murphy,	Porter,
McDougal,		

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Dunlap moved

That the vote by which House bill No. 114 passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Baker moved

That the vote by which  
Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Was passed be reconsidered,

Which motion prevailed.

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

The question being upon the final passage of the bill.

The roll was called and there were ayes 19, nays 10, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Dunlap,	McCanna,
Arnold,	Fuller, Pembina,	McCarten,
Cashel,	Fuller, Stutsman,	Sanborn,
Cooper,	Levang,	Sharpe,
Cox,	Luke,	Slotten,
Cronan,	Mansfield,	Twichell.
Creel,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Little,	McGillivray,
Hanna,	Marshall,	Noble,
Hegge,	McDougal	Porter,
Laidlaw,		

Absent and not voting, Messrs. LaMoure and Murphy.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Marshall moved

That the rules be suspended, and

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Be read the first and second times and referred,

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Was read the first and second times, and

Referred to the committee on state affairs.

The courtesies of the floor were extended to J. W. Scott and J. F. Treat.

The president appointed Messrs. Sharpe, Cooper, Laidlaw, Cox and Ames as a committee to investigate charges against J. H. Worst for drawing two salaries at the same time.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

Also,

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

Were delivered to his excellency, the governor, for his approval, at the hour of 4 o'clock p. m., February 24, 1899.

E. F. PORTER,  
Chairman.

Mr. Hanna moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## APPENDIX.

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### MEMORIAL EXERCISES OF JOINT ASSEMBLY TO THE MEMORY OF GOVERNOR FRANK A. BRIGGS.

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In accordance with the provisions of a concurrent resolution the two houses met in joint session at 2 o'clock p. m., Feb. 22, to hold memorial exercises in honor of the memory of the late Governor Frank A. Briggs.

The lieutenant governor presided.

The exercises were opened with prayer by Rev. Anderson.

Addresses were delivered as follows:

#### • GOV. F. B. FANCHER. •

Mr. President, Mr. Speaker and Gentlemen of the Legislative Assembly: We meet together today to pay a tribute of respect to Frank A. Briggs, who died on the 9th of August last, while occupying the honorable position of governor of North Dakota. Gov. Briggs was my warmest, nearest, personal friend. I knew and loved him well. We came into office in this capitol building as colleagues together. We consulted together frequently. Two years ago I stood by his side as he was about to take the oath of office as governor of this state. While waiting for the judge, an imperative summons came for me at the telegraph office. I received a telegram announcing the death of his eldest daughter, Stella, at Minneapolis. Mrs. Briggs and Bessie were with her. The governor would have been with her except for the inauguration. At this supreme moment it became my duty to break the news to him. I performed that duty, and the memory of that hour will remain with me always. Frank Briggs was the bravest man I ever knew. He faced death absolutely with a smile. At the last, as he grew weaker, his courage increased, and as I said the other



day—yielded only to exhausted nature, and went out to meet the future with a spirit as brave and dauntless as the summer day is long. To other friends of his I leave his eulogy. After his death we bore him tenderly to his boyhood's home in Minnesota, on the bank of a lovely lake, in one of the most beautiful spots it has ever been my fortune to see, surrounded by hundreds, yes, thousands of those who had known him in early life. We laid him to rest, remembering that the grave is but the reception room to heaven, dreary though it seems, and that since the world began it has been the fate of hearts like his to live and break and die, and we know that when the flowers bloom over his grave the angels of God will kiss them, and fling their fragrance like blessings on the summer air.

The Lieutenant Governor: I desire to recognize at this time one who was connected with him for a long time, Mr. George H. Phelps, his private secretary.

#### GEORGE H. PHELPS.

Mr. President and Gentlemen of the Joint Assembly: I did not come here to deliver a eulogy on my late friend, I simply came here that by my presence I might in a feeble manner show my respect and appreciation for him. My heart is so full of the things that I would say and the time so limited that I have thought best to condense into a few minutes' talk the thoughts that occur to me as the uppermost, the leading salient points in the character of Gov. Briggs. It is my privilege to speak a word of tribute to the memory of Frank A. Briggs as a man. My relations with him during his term as governor, as the name private secretary implies, was most intimate, and afforded me an opportunity to judge of and value his character. Time permits me to select only his leading characteristic—his manliness. I use the term in its highest, broadest, truest sense, synonymous with true honor, fidelity, courage, firmness and courtesy. Truth was the pole star guiding his life. He hated a lie and scorned a dishonest act. He never by word or act told an untruth, or by insinuation led to a false belief on any subject. His every business act will bear the minutest scrutiny. He was the soul of honor. His word once given was a sacred pledge, never violated. To every duty he gave his best thought and effort and under physical suffering, which we, endowed with health and strength, cannot appreciate, he performed the trusts imposed in his keeping. Fear he never knew. Once convinced of the right course, he pursued it with a courage indomitable.

Making what we all knew was a hopeless fight against disease, his supreme courage sustained him, and to the last he never faltered. The everlasting hills were not more firmly fixed than was he when his convictions were established. Supreme above all was his uniform courtesy. Careful, to a fault, of the rights, and tolerant of the opinions of others, he patiently heard all, scrupulously regarded all merits, carefully weighed all claims and made decisions after mature consideration. His mental processes were quick and no one waited long for his answer. He was possessed of infinite tact, which coupled with his courtesy, gave him limitless power in dealing with men and affairs. I have often heard men unfold to him their plans and projects, seeking his co-operation or approval. When all was heard his mind had grasped the salient point, detected the weak spots, and found the errors. His determination was final. If unfavorable, I recall his positive tone and bearing as the words came, "No, sir, I can't do that because"—and in clear, lucid terms his reasons were frankly given. I have seen men leave his presence with pet projects destroyed and instead of disappointment have heard them express thanks for a favor received. Few are the men who can deny requests in such a manner as to create the impression of granting a favor. His was a nature not stilted, padded and inflated to large proportions, to be solid, and substantial; it could be touched, felt and examined closely, and the nearer the touch and view the sounder and larger it appeared. The people can come close to such a man. No artificial barrier separated Governor Briggs from those about him. Those nearest recognized best his greatness. He is absent from our midst today, yet he lives with us who knew him. As time goes on the impress of his character will mould our thoughts and lives. We deeply mourn his loss. Yet we find solace in the hope that as we emulate his virtues, follow his example and shape our lives according to the model he gave, that the world may be benefited as we transmit to others the good he gave to us. So may this splendid state of ours which he served, and its people who loved him with an affection rarely accorded a man in public life, receive at our hands the increased benediction of a noble life.

#### HON. JOSEPH HARE.

Mr. Joseph Hare, of Burleigh county, was next recognized by the chair. He said:

Mr. President and Members of the Joint Assembly: It is befitting for some one in the adjoining county to the one of which the late Governor Briggs was a resident to say something on this oc-

casian. My remarks will be impromptu, not knowing that I would be called upon to say anything until I arrived at the capitol today. I knew our distinguished friend, personally, not as governor of this state so much as a citizen of the state and a citizen of Morton county. While Morton county claimed him as one of their citizens we of Burleigh county knew him almost as well and reckoned him as a citizen of this county. Frank Briggs was a man the same to the lowest as he was to the highest citizen of the state. He was a man whom anyone could approach. He was a man whom to see and become acquainted with, or to shake his hand, was to inspire confidence in him. As I knew him—we often met in a social gathering—Frank Briggs was like the tallest forest tree that stood. He had a knack of bringing men's hearts and souls to him. He was one of the truest men I ever knew. He scorned the idea of appearing to be above other men; no place you could put him would elevate him in his own estimation. I met him many times after he was governor of the state and it was the same as it was in his capacity as a citizen—he would reach out and take my hand and say—"good morning Joe"—and I would respond—"how are you Frank?" He did not care about being called governor. He cared nothing for the fact that he was governor but he did think a great deal of that name—Frank Briggs. He wanted to be known in his individual capacity and if I ever was acquainted with a man who I believed was one of God's noblemen, born a true, honest gentleman, it was Frank A. Briggs. When the people of this state put the helm of the ship of state in his hands, it was in a safe place.

#### HON. L. B. HANNA.

Senator Hanna spoke as follows:

Mr. President: We have met here today to pay our respects to the memory of our late governor, the Honorable Frank A. Briggs. I became acquainted with him a number of years ago, and remember him as a friend, and cherish that remembrance today as one of the pleasant memories of the past. His life it seems to me is an example of what can be accomplished by a man who is honest and energetic under our republican institutions. He held various offices in our state. He was postmaster at Mandan, treasurer of Morton county, state auditor, and died while holding the high and honorable position of governor of this state. Marc Anthony in his oration over the dead body of Julius Caesar said: "I come to bury Caesar, not to praise him; the evil that men do lives after them, the good is oft interred with their bones; so let it be with Caesar." But with Governor Briggs, if there was anything wrong in his life



it lies buried with him under the sod and we cherish his memory and remember him as the kind father, the loving husband, the true friend and the honest, able, efficient officer in whatever position of trust the votes of the people of this state placed him.

The Lieutenant Governor: Frank A. Briggs was an enthusiastic Mason, and the chair desires to recognize S. J. Hill, of Fargo, who will speak of him in the capacity of a Mason.

#### DR. S. J. HILL.

Mr. President and Gentlemen: Of Governor Briggs I knew but little, but as our brother I counted him as my friend. My acquaintance with him began in the grand lodge of the state of North Dakota, where without a thought on his part, he was elected to the position of grand treasurer, and a more surprised man than he was not on the floor. He had reached the highest position in the gift of his own lodge. He was an active member of his chapter. He had reached the highest point in the commandery to which he belonged; he was grand treasurer at one time of the grand commandery of the state, and at all reunions at the city of Fargo, no one received a more hearty welcome than Frank A. Briggs. When he met with us there he was no longer governor, but was Frank or Brother Briggs. In the Scottish Rite he had received the 32nd degree, and by a unanimous vote of the supreme council in Washington, he had been elected as knight commander of the court of honor. When the news came to us that he was gone, we all felt a sense of personal loss, and the Knights Templar of our city sorrowfully left their business to meet his remains as they passed through on the funeral train, and pay a last tribute of respect to our loved Sir Knight and for the last time say, "Pilgrim, farewell!"

#### LIEUTENANT GOVERNOR DEVINE.

Lieutenant Governor Devine said:

Gentlemen of the Joint Assembly: When the electric spark flashed intelligence through this state that Governor Briggs was dead, a feeling of genuine sadness was felt everywhere, and thousands had lost a personal friend. No man can foretell the mysterious issues of life and death. Few who saw Frank A. Briggs at the beginning of the last session thought that death would so soon cast his pale shadow upon the then apparently healthy body and vigorous mind.

How uncertain is the future! Today life is bright, the sea is calm, the tide swells high and strong; tomorrow the tide turns,

business trouble, sickness or death robs us of hope and pleasure. From the calm and beautiful river where we floated so confidently we are rudely tossed out upon the wide ocean. The horizon stretches far beyond our vision, and the break of its restless waves comes from depths that are unfathomable. Vainly struggling we either sink to the tranquil depths where all is peace or, tempest torn and faint, are cast upon the shore.

Well may the poet exclaim:

“What is life? A bright delight;  
A sun scarce brightening 'ere it sinks in night;  
A flower at morning fresh, at noon decayed;  
A still, swift river gliding into shade.”

The man who would know life's true secret must learn to live “in deeds, not years; in thoughts, not breaths; in feelings not in figures on the dial; to count time in heart throbs. He most lives who thinks most, feels noblest and acts best!”

The first time I saw Frank A. Briggs the thought that struck me most forcibly was the strong, cheerful and kindly expression of his face. He had a hearty, genial manner, with a pleasant smile and a kind word for every one. He inspired confidence and men trusted him and accepted his leadership, because they knew he would not do or say a foolish thing, not be caught in an untenable position. Pre-eminently a safe man it could be counted upon that he would say the right thing at the right time and do the right thing in the right place.

He was warm hearted, genial and social in his nature. He enjoyed the companionship of friends, and made it both pleasant and agreeable for them to be with him. High-toned and manly, dignified in manner and conduct, he treated everyone, both high and low, in fashion becoming a gentleman, and expected like treatment in return. All who came in close acquaintance or contact with him became his friends and admirers.

With a force of will power that was truly wonderful he fought the dread disease which had fastened itself upon him. With a hope of partial or permanent cure he traveled into other and milder sections of our land, but all in vain. The tender, devoted ministrations of a loyal, loving wife could not stay the relentless hand of death,—he died August 9th, 1898. He could no longer flee from death. The sands in the hour-glass had refused to flow; the gateway to another world was reached and life vanished like a rainbow on a summer morning. His was a painless death. The angel poised in contemplative silence above the ebbing and flowing tide and seeing the weary waves roll heavily against the shore reached



down and laid a gentle hand upon the flood and he was dead.

It is sad to see even the shrunken and withered giant tree sway in the blast and fall before the fury of the storm, but when in the peaceful sunshine, when no winds blow, when no cloud is in the sky all suddenly falls the green and sturdy oak we start back shocked and dismayed. Humanity cannot repress a moan in the presence of such death. Around it there is such an impenetrable mystery; between the living and the dead there is such an unspeakable, fathomless, unmeasured gulf. And yet sad as is the contemplation, wrung and torn as are the hearts that mourn his loss, who can view the life of our departed friend, so rounded and so symmetrical, so steady in its upward progress, so full and overflowing in its fruition and not say—it may be through blinding tears, but still in loving pride,—“it is well.”

And while I would not dry one tear that is shed for him, while I would not suppress one moan that breathes out the sorrow of those who mourn for him, yet I take heart in the glad thought that those things which made him strong and helpful, which gave him friends and supporters, in all those things he is not dead nor cannot lie.

The mere lapse of years is not life. To eat and drink and sleep; to be exposed to darkness and to light; to pace round in the mill of habit and turn thought into an implement of trade—this is not life. In all this but a poor fraction of the conscientiousness of humanity is awakened, and the sanctities will slumber which make it worth while to be. Knowledge, truth, love, beauty, goodness, faith, these alone can give value and vitality to existence. The laugh of mirth that vibrates through the heart; the tears that freshen the dry wastes within; the music that brings childhood back; the prayer that calls the future near; the doubt that makes us meditate; the death which startles us with mystery; the hardship which forces us to struggle; the anxiety that ends in trust, are the true nourishments of our natural being and make life worth living.

There is an existence beyond the present life where all shall be made clear. We shall see as we are seen; we shall know as we are known. Dickens, the great master of fiction, made the poor, idiotic Barnaby and the coarse, strong, Hugh of the Maypole Inn hold conversations about the wonders of the visible heavens, and they inquired of each other whence comes the light of the innumerable stars that dot the skies. When they were both under sentence of death, and just before the dawn of day, they were led across the prison yard toward the place of execution, Barnaby, looking up toward the myriad lights of the night, exclaimed, “Hugh, we shall know what makes the stars shine now.”

Our faith here today ought to excel that of the poor simpleton. Not only shall we know what makes the stars shine, but all the wonders of the vast universe shall be opened to our search. Our homes shall be among the heavens; the problems that our burdened souls have studied so disparingly shall be happily solved, and we may become participators in the knowledge and goodness of Him,—

“Whose power o’r moving worlds presides,  
Whose voice creates, and Whose wisdom guides.”

To this felicity the friend we now with tenderness remember has already advanced. We would not, if we could, bring him back to earth, slowly and painfully to die again. We wait reverently and hopefully, for the summons to us to join him in some star that is shining from eternity to eternity, with unfading lustre in God’s illimitable wilderness of worlds.

Her ests in the beautiful cemetery at Howard Lake, where the waters that soothed his childhood’s slumbers will ever sing to his mouldering ashes—“Sleep on.”

“There is no death! The stars go down  
To rise upon some other shore;  
And bright in heaven’s jeweled crown  
They shine forever more.”

The city was draped in mourning, and a sorrowing multitude that came from far and near and stood about the streets waiting to pay the last tribute of love and respect to him who was returning home after the conflicts of life were ended. The air was pleasant and the sun shone brightly, bathing the whole landscape in a flood of glory, and, as we stooped, with tender hands and bleeding hearts to give him to the tomb, we felt that no more for him the load of care, the cup of sorrow; not for him the beauty of spring, the glory of summer, the uncrowned majesty of winter. The climax of his life was heralded by a glorious sunset, while the night drew on as gently as the summer’s gloaming, and brightly gleamed the halo that crowned his earthly career as we left our brother captive on the threshold of the night.

In the drama *Ion*, the young heathen Greek forewarned by the oracles of impending death by violence, comes to part with the maiden he loves; she asks him, “Shall we meet again?” He replies that he has asked that dread question of the hills that look eternal; of the streams that flow on forever; of the stars amid whose azure fields his spirit had walked in glory; to that question they had all been silent, “but now,” he adds, “while thus I gaze upon thy living face, I feel the love that kindles through its beauty can never wholly perish—we shall meet again.”

## RESOLUTIONS OF RESPECT.

Senator Arnold then moved the following resolutions, which were adopted:

Whereas, There has been removed from this life Hon. Frank A. Briggs, late governor of the state of North Dakota, and,

Whereas, In fitting testimony of their respect the two houses are met in joint assembly to do honor to his memory, therefore, be it

Resolved, That in the death of Governor Frank A. Briggs they recognize that the state lost an executive whose advancement from the humble paths of life was by force of his own virtues, whose public record is clear, whose public life was above reproach, and whose character merited the recognition he won.

Be it further Resolved, That the proceedings of these memorial exercises be printed at length and that fifty copies thereof be bound and placed at the disposal of the family of the deceased.

## A MEMORY OF FLOWERS.

Senator Hanna moved that as a mark of respect and esteem of the senate, the flowers on the desk be presented to Mrs. Briggs.

Mr. Laughlin, on behalf of the house of representatives, seconded the motion, which was adopted and said:

"We most heartily desire to join with the senate in presenting this beautiful floral offering in token of our respect for the dead and of our high esteem and regard for the living—the widow of our departed chief executive."

The joint assembly then adjourned.

## FIFTY-FOURTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 25, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present, except Messrs. Hegge and Murphy who were excused.

Mr. Luke moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Cox, Cronan and McCanna, committee to correct and revise the Journal of the fifty-third day.

## REPORTS OF STANDING COMMITTEES.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897, entitled "an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge."

Also,

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out the words "deputies or" wherever the same appears in said bill.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

House bill No. 67,

A bill for an act to amend section 2612 of the Revised Codes of 1895 relating to statements of township treasurers.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Porter moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Senate bill No. 137,

A bill for an act to amend section 2068 of the Revised Codes relating to compensation of county judges.

Also,

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.



Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Concurrent resolution, urging the creation of a chair for the instruction of the Spanish language in the University of North Dakota, Grand Forks, N. D.

Also,

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

Also,

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill No. 59,

A bill for an act making an annual appropriation for the maintenance of the state university.

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. TWICHELL,  
Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

Senate bill, No. 57,

A bill for an act making appropriation for maintenance of the State University and for needed permanent improvements of the State University.

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. TWICHELL,  
Chairman.

Mr. Arnold moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Also,  
Senate bill No. 151.

A bill for an act to appropriate money for the reappraisement, advertising and expenses attendant upon the sale of institution and common school lands.

Have had the same under consideration and recommend that the same do pass.

T. TWICHELL,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Have had the same under consideration and recommend that the same be amended as follows:

In title strike out words "with certain duties in connection therewith," and inserting in lieu thereof the words "defining his duties."

In line 2 of section 8 strike out the words "or otherwise" and insert in lieu thereof the words "or other vehicles."

After the word "commission" in line 8 of section 8 add the words: "But any person desiring to engage in such dairy business shall first procure a license as aforesaid, which shall be valid until the first day of June next succeeding its issue."

And when so amended recommend that the same do pass.

T. F. MARSHALL,

Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on public lands made the following report :

Mr. President:

Your committee on public lands to whom was referred

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Also,

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Also,

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Also,

Senate bill No. 152,

A concurrent resolution relating to school lands.

Have had the same under consideration and recommend that the same do pass.

D. W. McCANNA,

Chairman.

The committee on highways, bridges and ferries made the following report:

Mr. President:

Your committee on highways, bridges and ferries to whom was referred

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

By amending the title after the word "section" in the first line by adding the figure "3,"

Also, by adding the words "being an act" in the second line of the title after the figures "1897,"

Also, after the enacting clause, the following amendments: "That sections 3, 5, 6, 7, 8, 9, 11, 13, 14 and 21 of chapter 112, of the laws of 1897, be and the same are hereby amended to read as follows,"

Also, by adding and amending "section 3" of chapter 112, of the laws of 1897, as follows: "Section 3. (Section lines considered public roads, when.) In all townships in this state outside the limits of incorporated cities, villages or towns, the congressional section lines shall be considered public roads, to be opened to the width of two rods on each side of such section lines, where the same have not already been opened upon the order of the board having jurisdiction as provided by section 4, of this chapter without any survey being had, except where it may be necessary on account of variations caused by natural obstacles, subject, however, to all the provisions of this chapter in relation to assessments of damages,

Also, by striking out in section 9, page 4, line 19, of the printed bill, after the word "auditor" insert the following: "or county clerk,"

Also, by striking out in section 13, page 6, of the printed bill, in line 1, the word "supervisors" and adding in the same line after the word "determination" the words "of board."

And when so amended recommend that the same do pass.

A. SLOTTEN,

Chairman.

Mr. Slotten moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on public lands made the following report:

Mr. President:

Your committee on public lands to whom was referred  
Senate bill No. 166,

Proposed amendment to the constitution of the state of North  
Dakota.

Have had the same under consideration and recommend that  
the same do pass.

D. W. McCANNA,  
Chairman.

The committee on elections made the following report:

Mr. President:

Your committee on elections to whom was referred  
Senate bill, No. 51,

A bill for an act to regulate primary elections.

Also,

Senate bill No. 58,

A bill for an act entitled, "An act providing for the nomination  
by primary election of candidates of the different political parties  
for all county, legislative and city elections, and providing for the  
primary election of delegates to the nominating conventions of the  
different political parties for all general and state and federal  
elections; and generally to promote the purity of primary elections,  
regulating the conduct thereof, prohibiting certain acts and prac-  
tices in relation thereto, and prescribing a punishment therefor."

Have had the same under consideration and report the same  
back to the senate without recommendation.

H. F. ARNOLD,  
Chairman.

The committee on enrolled and engrossed bills made the follow-  
ing report:

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of  
the state of North Dakota, relating to adjustment of delinquent  
taxes due the state from counties and repealing section 1347 of  
said codes.

Also,

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41"



of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Also,

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Also,

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Also,

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Also,

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

Also,

Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Also,

Senate bill No. 11,

A bill to regulate the granting of marriage licenses.

Also,

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Also,

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897,

Also,

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised

Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

The committee on conference made the following report:

Mr. President:

Your committee on conference to whom was referred the difference on

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Have had the same under consideration and recommend that the house recede in the following amendment, viz:

"Provided, that no state depository shall be paid any exchange whatsoever."

And when so amended recommend that the same do pass.

J. L. CASHEL,  
C. B. LITTLE,  
R. N. STEVENS,  
J. D. BACON.

Mr. Cashel moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee appointed to correct the Journal of the fifty-second day report the following corrections:

In line 4, page 25, insert after name "McGillivray": "Mr. LaMoure voting in the negative."

On page 29, tenth line from bottom of page, strike out the words "have examined" and insert the words "report that."

And when so amended recommend that the Journal of the fifty-second day be approved.

R. C. COOPER,  
W. E. MANSFIELD.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 25, 1899.

Mr. President:

I have the honor to transmit herewith  
House bill No. 31,  
A bill for an act to promote immigration.

Also,

House bill No. 38,  
A bill for an act to provide an annual contingency fund, to be  
placed at the disposal of the governor.

Also,

House bill No. 183,  
A bill for an act to amend section 1419 of chapter 19 of the  
Revised Codes of 1895, entitled Militia.

Also,

House bill No. 194,  
A bill for an act to amend section 2895, chapter 11 of the Revised  
Codes of North Dakota.

Which the house has passed and your favorable consideration  
thereof is respectfully requested.

Also,

I have the honor to return herewith  
Senate bill No. 96,  
A concurrent resolution to amend section 176 of the constitution  
of the state of North Dakota.  
As per request of the senate.

Very respectfully yours,

J. G. HAMILTON,  
Chief Clerk.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 96,  
A concurrent resolution to amend section 176 of the constitution  
of the state of North Dakota.  
And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 24, 1899.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 12,

A bill for an act to amend section 2761 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the granting of alimony in divorce cases.

Also,

Senate bill No. 21,

A bill for an act to amend section 3119 of article 6, of the Revised Codes of North Dakota relating to the publication of annual statements of insurance companies.

Also,

Senate bill No. 23,

A bill for an act providing for judgment of dissolution in certain actions against corporations.

Also,

Senate bill No. 24,

A bill for an act to define the duties of the commissioner of agriculture and labor.

Also,

Senate bill No. 39,

A bill for an act to amend section 82 of chapter 126 of the laws of 1897 relating to revenue and taxation.

Also,

Senate bill No. 48,

A bill for an act to amend section 3598 of the Revised Codes, relating to the recording of certain instruments.

Also,

Senate bill No. 61,

A bill for an act to amend section 5574 of the Revised Codes of North Dakota of 1895 by allowing the same statutory costs in cases appealed from a justice court as in cases originally commenced in the district court.

Also,

Senate bill No. 62,

A bill for an act to amend sections 245, 249 and 252 of the Revised Codes of the state of North Dakota, relating to county boards of health.

Also,

Senate bill No. 65,

A bill for an act to amend section 5226, of the Revised Codes of the state of North Dakota, relating to the appointment of a guardian ad litem, presented as a substitute bill for senate bills Nos. 7 and 32 by the committee on judiciary.

Also,

Senate bill No. 84,

A bill for an act authorizing the commissioner of university and school lands to charge certain fees for services and to establish the same.

Also,

Senate bill No. 92,

A bill for an act to repeal section 4718 of the Revised Codes of North Dakota relating to the discharge by entry in the margin of the record thereof.

Also,

Senate bill No. 97,

A bill for an act to amend sections 1663, 1664 and 1667 of the Revised Codes of the state of North Dakota of 1895, relating to the purchase of tools and appliances for making fire breaks and for the prevention of prairie fires, prescribing the duties of county commissioners in regard to the prevention of prairie fires, providing for the appointment of fire wardens, fixing the bonds and prescribing the duties thereof and providing for the levy of a tax by the county commissioners for the prevention of prairie fires, also for the repeal of sections 1665, 1666, 1670, 1671 and 1672 of said Revised Codes.

Also,

Senate bill No. 99,

A bill for an act entitled "an act taxing the occupation of hawking and peddling, and regulating the licensing of persons engaged in such occupation."

Also,

Senate bill No. 107,

A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota.



Also,

Senate bill No. 118,

A bill for an act providing for an appropriation to pay expense of construction of drains through school lands situated in Pembina county.

Also,

Senate bill No. 124,

A bill for an act to cure defective acknowledgments.

Also,

Senate bill No. 131,

A bill for an act providing for a geological survey of North Dakota.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

February 25, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Also,

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722 Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Also,

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North

Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter

Also,

Senate bill No. 8.

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Also,

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Also,

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Which the house has passed unchanged.

Also,

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Which the house has passed with the following amendments:

Insert the item of "\$100" contributed by Col. Wm. H. Robinson.

Also, by re-incorporating item No. 10 appropriating "\$200 for James J. Hill."

Which the house has passed and your favorable concurrence therein is respectfully requested.

Also,

#### CONCURRENT RESOLUTION.

Whereas, at a time when the sunlight of peace was obscured by the sullen cloud of war, when the shackles of slavery and misery forged of oppression and cruelty, weighed down to death and desolation countless thousands of despairing fellow creatures; when the battered wreck of a proud battleship, and the mangled bodies of the sailors of a free and friendly people hurled to sudden death in the foul waters of Havana harbor, crowned fear with treachery and hatred with infamy, there went forth from this land a citizen soldiery whose ranks were a bulwark of

liberty and justice, and whose tread was the grandest music of patriotism; and,

Whereas, none in this grand army of liberty that shall carry light and freedom through darkness and ignorance have been found more loyal or unwavering in devotion to duty than the soldiers of North Dakota who, under southern stars and in a distant clime, with patriotism as the needle which points them to the bright guide star of duty are battling with a treacherous foe and with insidious disease, pressing forward the unfurled stripes and stars beneath a merciless sun, through a leaden hail, unwavering, unfaltering and hesitating not, but with a courage and patriotism that shall rank them with earth's heroes; therefore,

Be it resolved, by the house of representatives of the Sixth Legislative assembly, the senate concurring, that there is inspired in this legislative assembly a sense of pride and gratitude that is not expressible in words, but that finds expression in a simple message of proud commendation, thankfulness and good cheer, and in an earnest prayer to the God of battles that He do cherish, guard and protect the soldiers of this state and of the union, as it shall seem well in His wisdom so to do; and, be it further

Resolved, that a copy of these resolutions be forwarded to the commander of the First North Dakota regiment at Manila, Lieut.-Col. W. C. Truemann.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

## INTRODUCTION OF SENATE BILLS.

Mr. Creel introduced

Senate bill No. 168,

Concurrent resolution amending section 215 of article 19 of the constitution of North Dakota, changing the name of the deaf and dumb asylum to School for the Deaf.

Mr. Creel introduced

Senate bill No. 169,

A bill for an act to amend section 707, chapter 75, of the session laws of 1897 relating to education; providing for an enumeration each year of the deaf and dumb persons in each school district in the state.

Mr. Laidlaw introduced

Senate bill No. 170,

A bill for an act to establish a board of inspection for steam boilers.

The committee on ways and means introduced

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for

lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Mr. Creel moved

That the rules be suspended, and that all senate bills introduced be given their first and second readings and reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 168,

Concurrent resolution amending section 215 of article 19 of the constitution of North Dakota, changing the name of the deaf and dumb asylum to School for the Deaf.

Was read the first and second times, and

Referred to the committee on education.

Senate bill No. 169,

A bill for an act to amend section 707, chapter 75, of the session laws of 1897 relating to education; providing for an enumeration each year of the deaf and dumb persons in each school district in the state.

Was read the first and second times, and

Referred to the committee on education.

Senate bill No. 170,

A bill for an act to establish a board of inspection for steam boilers.

Was read the first and second times, and

Referred to the committee on state affairs.

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Was read the first and second times, and

Referred to the committee on ways and means.

#### THIRD READING OF SENATE BILLS.

Senate bill No. 11,

A bill to regulate the granting of marriage licenses.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 19, nays 5, absent and not voting 7.



Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Hanna,  
Little,  
Luke,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Cashel,  
Cooper,

Messrs—

Fuller, Pembina  
Mansfield,

Messrs—

Porter,

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Hegge,  
Laidlaw,

Messrs—

LaMoure,  
Levang,

Messrs—

Murphy,  
Noble,

Messrs. Hegge and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Creel moved

That the vote by which Senate bill No. 11 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 34,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26, nays 1, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Hegge,  
Little,

Messrs—

Murphy,

Messrs—

Noble,

Messrs. Hegge and Murphy being excused.

Mr. Dunlap, voting in the negative.

So the bill as amended passed and the title was agreed to.

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Was read the third time.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker.  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

Hegge,  
Levang,

Messrs—

Murphy,  
Noble,

Messrs. Hegge and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the rules be suspended and

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Be read the third time and put upon its final passage.

Which motion prevailed.

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and

vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Was read the third time.

Mr. LaMoure offered the following amendment:

"Add after the word vacant in line 14, section 5: "Provided further, that whenever any tract of land is surveyed or sold in tracts less than the original sub-division as established by the government survey thereof, so that any part thereof does not touch upon some of the lines now considered as public roads and so allow the owner of such tract access to a public highway, the board of county commissioners or board of township supervisors may, upon a petition as herein provided, open a cartway or highway along the lines of any such tract or tracts when in the judgment of such board such cartway or highway is necessary; provided, however, that no such cartway or highway shall exceed two rods in width unless in the judgment of such board a roadway two rods in width shall not be sufficient to accommodate the travel thereon. The provisions of this act shall apply to all lands owned by the state or any institution thereof, or held by virtue of any contract with the state, and notice of the altering, laying out or discontinuing of any such cartway or highway shall be served by registered mail upon the board of university and school lands not less than thirty days prior to any such board taking action in regard to altering, laying out or discontinuing such cartway or highway."

Mr. LaMoure moved

The amendment be adopted,

Which motion prevailed and

The amendment was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none; absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina,  
Fuller, Stutsman,  
Hanna,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Hegge,  
LaMoure,

Messrs—

McDougal  
Murphy,

Messrs—

Noble,

Messrs. Hegge and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which Senate bill No. 164 passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Ames moved to withdraw

Senate bill No. 135,

A bill for an act to provide for the making of tax deeds for lands sold for delinquent taxes in the year 1897 and prior thereto, and for lands hereafter sold under the provisions of chapter 126, laws of 1897, and to define the force and effect of all such deeds, and the title thereby conveyed, and to provide a uniform limitation for actions brought to vacate tax deeds upon lands so sold.

Which motion prevailed.

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 20, nays 9, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Stutsman,

Messrs—

Hanna,  
Laidlaw,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Ames,  
Baker,  
Dunlap,

Messrs—

Fuller, Pembina  
LaMoure,  
Levang,

Messrs—

McCarten,  
Porter,  
Sharpe,

Messrs. Hegge and Murphy being excused.

Absent and not voting, Messrs. Hegge and Murphy,

So the bill as amended passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate bill No. 104 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cronan,  
Fuller, Stutsman,

Messrs—

Hegge,  
LaMoure,

Messrs—

Marshall,  
Murphy,

Messrs. Hegge and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate bill No. 156 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed,

Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:



Messrs—

Fuller, Stutsman,  
Hegge,

Messrs—

McCarten,  
Murphy,

Messrs—

Noble,

Messrs. Hegge and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Cashel moved

That the vote by which Senate bill No. 150 passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Cashel moved

That the senate concur in the house amendments to  
Senate bill No. 69.

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

The roll was called and there were, ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Dunlap,  
Hegge,

Messrs—

McGillivray,

Messrs—

Murphy,

Messrs. Hegge and Murphy being excused.

So the amendments were concurred in.

Mr. Little moved

That the senate concur in the house amendments to  
Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

The roll was called and there were ayes 23, nays 1, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Laidlaw,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

Messrs—

Cronan,  
Hegge,  
LaMoire,

Messrs—

Levang,  
McDougal,

Messrs—

Murphy,  
Noble,

Messrs. Hegge and Murphy being excused.

Mr. McCarten voting in the negative.

So the amendments were concurred in.

Mr. Little moved

That the rules be suspended and House bills be given their first and second reading and reference.

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 31,

A bill for an act to promote immigration.

Was read the first and second times, and

Referred to the committee on appropriations.

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895,  
relating to the levy of taxes for school purposes.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be  
placed at the disposal of the governor.

Was read the first and second times, and

Referred to the committee on appropriations.

House bill No. 194,

A bill for an act to amend section 2895, chapter 11 of the Revised  
Codes of North Dakota.

Was read the first and second times, and

Referred to the committee on corporations other than municipal.

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being  
“an act relating to societies organized for the purpose of securing

homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Was read the first and second times, and

Referred to the committee on state affairs.

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Was read the first and second times, and

Referred to committee on military affairs.

The senate returned to the ninth order of business.

### INTRODUCTION OF SENATE BILLS.

Mr. Cox introduced

Senate bill No. 172,

A bill for an act to provide who may be officers or employes of the Senate or House of Representatives and prescribing the oath to be taken by each.

Mr. Cox moved

That the rules be suspended and

Senate bill No. 172,

A bill for an act to provide who may be officers or employes of the Senate or House of Representatives and prescribing the oath to be taken by each.

Be read the first and second times, and referred,

Which motion prevailed.

### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 172,

A bill for an act to provide who may be officers or employes of the Senate or House of Representatives and prescribing the oath to be taken by each.

Was read the first and second times, and

Referred to the committee on judiciary.

Mr. Sanborn moved that the rules be suspended and

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Be read the third time and put upon its final passage,

Which motion prevailed.

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes

of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 28, nays none, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Fuller, Stutsman,  
Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Hegge,

Messrs—

Murphy,

Messrs—

Noble,

Messrs. Hegge and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Sanborn moved

That the vote by which Senate bill No. 139 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 25, 1899.

Mr. President:

I have the honor to inform the senate that the special joint committee on conference to whom was submitted the differences on Senate bill **No. 69**,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Have reported to the house, and recommend that the house recede in the following amendment, viz. -

“Provided, that no state depository shall be paid any exchange whatsoever.”

And that the house has adopted the report of said joint conference committee.

Very respectfully yours,  
J. G. HAMILTON,  
Chief Clerk.

The special joint committee on conference made the following report:

Mr. President:

Your special joint committee on conference to whom was referred

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Have had the same under consideration and recommend that the house recede in the following amendment, viz.:

"Provided, that no state depository shall be paid any exchange what soever."

And when so amended recommend that the same do pass.

J. L. CASHEL, Chairman.  
C. B. LITTLE,  
R. N. STEVENS,  
J. D. BACON.

The senate returned to the ninth order of business.

#### INTRODUCTION OF SENATE BILLS.

Mr. Noble introduced

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Mr. Noble moved

That the rules be suspended, and

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Be read the first and second times and referred,

Which motion prevailed



## FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Was read the first and second times, and

Referred to the committee on judiciary.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 25, 1899.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

Senate bill, No. 54,

A bill for an act to amend section 5887 of the revised codes.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,  
Governor.

Mr. Luke moved

That the rules be suspended and

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Be read the third time and put upon its final passage.

Which motion prevailed.

## THIRD READING OF HOUSE BILLS.

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Was read the third time.

Mr. Luke offered the following amendments to

House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Amend the bill by striking out in printed bill all of sections 8, 9, and down to and including the word city in line nine of section ten and insert in lieu thereof the following:

For the purpose of paying for the construction, reconstruction, or extension of such sewers through any street, alley, or public place within such district the city council shall provide as follows:

1. The city council shall forthwith upon the letting of any contract under the provisions hereof, create, by appointment of three persons from among the citizens of such city, a "special sewerage assessment committee," each member of which shall file with the city auditor a written acceptance of such appointment and take and subscribe an oath faithfully and impartially to discharge the duties of his position as a member of such committee, which oath shall be filed with the city auditor, and one of such persons shall be designated by the city council as the chairman of such committee. The city council may from time to time as occasion may require make new appointments to such committee to fill any vacancy arising therein from death or other cause, and in case any person so appointed neglects or refuses to act, appoint another in his place.

2. It shall be the duty of such committee personally to inspect any and all lots and parcels of land within such sewer improvement district and thereupon assess against all such lots and parcels of land, which will in the opinion of such committee be specially benefited by the construction of such system of sewerage, a special assessment in a sum not exceeding such benefits. Whenever such assessment is made and completed as to all the lots, parts of lots or parcels of land to be benefited by the work under any contract, the committee shall make or cause to be made a complete list thereof, setting forth the several tracts so assessed and the amount assessed against each, and cause the same to be published once in each week for three consecutive weeks in the official newspaper of the city together with a notice of the time and place, when and where such committee will meet to hear objections which may be made to any such assessment by any owner or occupant of a tract so assessed, or other person interested in such assessment, or his agent or attorney, and thereupon alter or affirm the same as may in the opinion of the committee be just in the premises. The committee shall then deposit such assessment list with the city auditor who shall forth-

with cause the same to be again published once in each week for three consecutive weeks in the official newspaper of the city, with a notice to the persons interested that at the next regular meeting of the city council after the expiration of the time of publication of such notice, giving the date thereof, appeals from the decision of such committee in relation thereto will be heard and determined by the city council.

3. At such meeting of the city council any person so aggrieved by the determination of such committee in regard to any such assessment, and who appeared in person or by his agent or attorney before such committee as hereinbefore provided, if a resident of the city, and all nonresident owners of any property so assessed, whether they appeared before such committee or not, may appear before the city council and present their reasons why the action of such committee should not be affirmed by the city council, and the city council shall then hear and determine such appeals and objections, if any, and may alter or affirm the action of such committee in relation thereto as the city council may deem just in the premises; and shall thereupon cause such list so altered to conform to its action, if any such alteration is made, to be certified as correct by the city auditor and filed in his office.

In section eleven, line three, strike out the word make, and insert in lieu thereof the words, cause to be made.

In line four section eleven, after the word mistakes, insert the words the total of such assessments, not to exceed the benefits.

Renumber the sections in accordance with the above amendments.

Mr. Luke moved

The adoption of the amendment

Which motion prevailed.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays none, absent, and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Fuller, Stutsman,  
Hanna,  
Laidlaw,  
Little,  
Luke,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cronan,  
Hegge,

Messrs—

LaMoure,  
Levang,

Messrs—

Mansfield,  
Murphy,

• Messrs. Hegge and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Luke moved

That the vote by which House bill No. 92 passed be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

Courtesies of the floor were extended to Geo. H. Hancock.

Mr. Cox moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

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## FIFTY-SIXTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 27, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Murphy who was excused.

Mr. Cronan moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Creel, Cox and Mansfield, a committee to correct and revise the Journal of the fifty-fourth day.

The secretary announced that the president was about to sign House bill No. 80,

A bill for an act to suppress and punish trespassing and stealing rides upon cars, engines and trains, and authorizing trainmen to arrest and prosecute offenders against this act.

Also,

House bill No. 114,

A bill for an act to amend section 1620 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the practice of veterinary.

Also,

House bill No. 171,

A bill for an act to provide for the erection of necessary additional buildings for the Hospital for the Insane at Jamestown, North Dakota.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Also,

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Also,

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,



Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Also,

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Also,

Senate bill No. 8.

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Also,

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897, entitled "an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge."

Also,

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Also,

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

And find the same correctly engrossed.

E. F. PORTER,

Chairman.

The committee on agriculture made the following report:

Mr. President:

Your committee on agriculture to whom was referred

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

Have had the same under consideration and recommend that the same be amended as follows:

In lines 3 and 4, section 2, of the printed, strike out the words "and a copy issued by him shall be filed" and insert in lieu thereof the words "who shall file a copy of such certificate."

In line 5, section 2, strike out the word "such" and insert in lieu thereof the word "and,"

Also, after the word "copies" in line 5, insert the words, "of such certificate."

And when so amended recommend that the same do pass.

R. M. McCARTEN,  
Chairman.

Mr. McCarten moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Have had the same under consideration and recommend that the same be amended as follows:

In lines 1 and 2, page 2, strike out words "thirteen hundred and fifty" and insert in lieu thereof "fourteen hundred."

And when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

Mr. Cox moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Have had the same under consideration and recommend that the same be amended as follows:

In line 17, page 21, strike out the word "four" and insert in lieu thereof the word "two."

In line 20, page 2, strike out the words "two million" and insert in lieu thereof the words "one million five hundred thousand."

After the word "dollar" in line 20 add the following: "Nor more than one thousand four hundred dollars in bounties where the assessed valuation exceeds one million four hundred thousand dollars, but does not exceed two million dollars."

And when so amended recommend that the same do pass.

T. F. MARSHALL,  
Chairman.

Mr. Marshall moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate bill No. 146,

A bill for an act allowing the board of county commissioners of counties to compensate clerks of the district courts in their counties for extra work imposed upon them by the legislature by sections 28 and 67 of the laws of 1897.

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. F. MARSHALL,  
Chairman.

Mr. Marshall moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on military affairs made the following report:

Mr. President:

Your committee on military affairs to whom was referred  
House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Have had the same under consideration and recommend that the same do pass.

H. M. CREEL,  
Chairman.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Also,

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Also.

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Have had the same under consideration and recommend that the same do pass.

C. B. LITTLE,  
Chairman.

The committee on ways and means made the following report:  
Mr. President:

Your committee on ways and means to whom was referred  
Senate bill No. 93,

A bill for an act prescribing penalties for failure to correctly list personal property. Defining the duties of assessors, boards of review in townships, villages and cities, boards of equalization in cities having a board of equalization, county auditors, county boards of equalization and state boards of equalization prescribing penalties for failure to perform the same. And prescribing penalties for failure of witness to appear and testify when subpoenaed by such boards.

Have had the same under consideration and recommend that the same be amended as follows:

Section, 1, line 2, of the printed bill strike out the words "depository" and "accounting officer." Line 9, strike out the words "one hundred" and insert in lieu thereof the words "twenty-five." Line 10, after words dollars strike out the word "and" and insert the word "or." Line 11, strike out the words "less than three months nor" and after the word "than" strike out the word "six" and insert the word "three" and after the word "months" insert the words "or both such fine and imprisonment."

Section 2, line 8, strike out the word "depository." In lines 8 and 9, strike out the words "accounting officer." Line 9, strike out the word "possession" and insert the word "care." Line 14, strike out the word "and" and insert the word "or." After the word "not" strike out the words "less than three month nor." Line 15, after the word "months" insert the words "or both such fine and imprisonment."

Section 3, line 8, strike out the words "one hundred" and insert the words "twenty-five." Line 9 and 10, strike out the words "less than three months nor," and also in line 9 strike out the word "and" and insert the word "or." Add to section 3, after the words "months" in line 10, the words "or both such fine and imprisonment."



Section 4, line 8, strike out the words "one hundred" and insert the words "twenty-five." Line 9, strike out the word "and" and insert the word "or." Lines 9 and 10, strike out the words "less than three months nor." Add to section 4, the words "or both such fine and imprisonment."

Section 5, line 15, strike out the words "one hundred" and insert the words "twenty-five." Line 16, strike out the word "and" and insert the word "or." Line 17, strike out the words "less than three months nor." After the word "more" add the word "than." Add to section 5, after the word "months," in line 17, the words "or both such fine and imprisonment."

Section 6, line 3, strike out the word "or" where it appears after the word "appear" and insert the word "and." Line 6, strike out the word five and insert the word "one." Line 7, strike out the word "and" and insert the word "or." Line 8, strike out the word "less" and insert the word "more." Add to line 8, after the word "months," the words "or both such fine and imprisonment."

Section 7, line 15, strike out the words "one thousand" and insert the words "five hundred." Line 16, strike out the word "and" where it first appears and insert the word "or." In the same line, after word "of" insert the words "nor more than." After the words "months" insert the words "or both such fine and imprisonment."

Section 8, line 3, strike out the word "or" after the word "appear" and insert the word "and." Line 6, strike out the word "thousand" and insert the word "hundred." Line 7, strike out the word "and" and insert the word "or." After the word "for" insert the words "not more than." And strike out the words "the period of." Add to line 7, after the word "months," or both such fine and imprisonment," and when so amended report the same without recommendation.

L. B. HANNA,  
Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on public health made the following report:

Mr. President:

Your committee on public health to whom was referred

Senate bill No. 116,

A bill for an act to prohibit and punish the sale, offering for sale cigarettes, cigarette paper or substitutes for the same, and to prohibit and punish the use of cigarettes, cigars or tobacco by persons

under 18 years of age, and to prohibit and punish the carrying or having by any person under 18 years of age of any cigarettes, cigars or tobacco, and to prohibit and punish the harboring of persons under 18 years of age, or permitting them to gather or frequent any place or premises to indulge in the use of cigarettes, cigars or tobacco, and to repeal section 7337 of the Revised Codes of 1895.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title in the printed bill after the word "same" insert "to persons under 18."

In lines 3, 5 and 7 of title take out the words "cigars or tobacco."

In lines 7 and 8 of title take out the words "and to repeal section 7337 of the Revised Codes of 1895."

In printed bill, section 1, line 2, after the word "of" add "to any person under 18."

In section 2, line 2, strike out the words "cigars or tobacco in any form."

In same section strike out all of lines 7, 8, 9 and 10.

In section 3, line 2, strike out the words "cigars or tobacco in any form."

In section 4, line 2, strike out the figure "12" and insert "18."

In line 5, same section, strike out the words "cigars or tobacco in any form."

In section 6, line 1, strike out the words "section 7337 of the Revised Codes of 1895, and"

And when so amended recommend that the same do pass.

W. E. MANSFIELD,

Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal of the fifty-third day, have carefully examined the same and recommend the approval of the Journal of the fifty-third day.

A. B. COX.

Chairman.

Mr. Cox moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

Mr. Little moved that

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Be recommitted to the judiciary committee,  
Which motion prevailed.

Mr. Noble moved  
That the rules be suspended and  
Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Be read the third time and put upon its final passage,  
Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those voting in the affirmative were:

#### Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

#### Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

#### Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting, Messrs. Murphy and Porter.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Noble moved

That the vote by which Senate bill No. 173 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Twichell asked unanimous consent to introduce an appropriation bill, which consent was granted.

## INTRODUCTION OF SENATE BILLS.

Mr. Arnold introduced

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Mr. Laidlaw, by request, introduced

Senate bill No. 175,

A bill for an act to amend section 704 of chapter 75 of the general laws of 1897, entitled an "act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895 relating to education."

The committee on appropriations introduced

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Mr. Hegge introduced

Senate bill No. 177,

A bill for an act to prevent horses, cattle, sheep, swine and other domestic animals from trespassing upon the lands of another.

Mr. Hanna introduced

Senate bill No. 178,

A bill for an act to provide for the study of foreign languages in the district schools of North Dakota.

Mr. Hanna introduced

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Mr. Little moved

That the rules be suspended and senate bills introduced be given their first and second reading and reference.

Which motion prevailed.

## FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Was read the first and second times, and

Referred to committee on school and public lands.

Senate bill No. 175,

A bill for an act to amend section 704 of chapter 75 of the general laws of 1897, entitled an "act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701, 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895 relating to education."

Was read the first and second times, and

Referred to the committee on education.

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Was read the first and second times, and

Referred to the committee on appropriations.

Senate bill No. 177,

A bill for an act to prevent horses, cattle, sheep, swine and other domestic animals from trespassing upon the lands of another.

Was read the first and second times, and

Referred to the committee on stock.

Senate bill No. 178,

A bill for an act to provide for the study of foreign languages in the district schools of North Dakota.

Was read the first and second times, and

Referred to the committee on education.

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Was read the first and second times, and

Referred to the committee on state affairs.



## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 27, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 170,

A bill for an act prescribing the method of investing the permanent funds derived from the sale of public lands, or from any other source, in first mortgages on farm lands, the duty of certain state and county offices in relation thereto, and fixing the liability of the several counties of the state for the preservation of such funds.

Also,

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Also,

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes, relating to the rights and capacity of husband and wife.

Also,

House bill No. 186,

A bill for an act relating to organization of school districts and school townships.

Also,

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Also,

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Also,

Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Also,

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Also,

House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

Also,

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Also,

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Also,

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Also,

House bill No. 72,

A bill for an act making an appropriation to provide for the payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

Also,

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Also,

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Also,

Substitute for House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Also,

I have the honor to transmit herewith

Senate bill No. 4,

A bill for an act to amend section 172 of the Revised Codes relating to investment of school funds, and to repeal chapter 128 of the laws of 1897.

The further consideration thereof has been indefinitely postponed by the house.

Also,

Senate bill No. 154,

A bill for an act to amend sections 2330 and 2331 of the Revised Codes of North Dakota, relating to cities and especially relating to the enlarging the corporate limits of cities.

The further consideration thereof has been indefinitely postponed by the house.

Also,

I have the honor to inform the senate that the house has refused to concur in the senate amendments to

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

And asks for a conference thereon. The house has appointed as conferees Messrs. Gilbertson, Taylor and Stevenson.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

That the rules be suspended and all house bills be given their first and second reading and reference,

Which motion prevailed

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Was read the first and second times, and  
Referred to the committee on railroads.

House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Was read the first and second times, and  
Referred to the committee on judiciary.

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Was read the first and second times, and  
Referred to the committee on railroads.

House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Was read the first and second times, and  
Referred to the committee on judiciary.

House bill No. 72,

A bill for an act making an appropriation to provide for the payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

Was read the first and second times, and  
Referred to the committee on appropriations.

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of

three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Was read the first and second times, and  
Referred to the committee on appropriations.

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Was read the first and second times, and  
Referred to the committee on judiciary.

House bill No. 170,

A bill for an act prescribing the method of investing the permanent funds derived from the sale of public lands, or from any other source, in first mortgages on farm lands, the duty of certain state and county offices in relation thereto, and fixing the liability of the several counties of the state for the preservation of such funds.

Was read the first and second times, and  
Referred to the committee on judiciary.

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Was read the first and second times, and  
Referred to the committee on judiciary.

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Was read the first and second times, and  
Referred to the committee on agriculture.

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Was read the first and second times, and  
Referred to the committee on judiciary.

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Was read the first and second times, and  
Referred to the committee on appropriations.



House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

Was read the first and second times, and

Referred to committee on warehouses, grain and grain grading.

Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Was read the first and second times, and

Referred to the committee on education.

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Was read the first and second times, and

Referred to the committee on counties.

House bill No. 186,

A bill for an act relating to organization of school districts and school townships.

Was read the first and second times, and

Referred to the committee on education.

Mr. Hanna moved

That the rules be suspended and

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Be given its third reading and put upon its final passage,

Which motion prevailed.

### THIRD READING OF HOUSE BILLS.

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 22, nays 1, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang.

Messrs—

Luke,  
Mansfield,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Little,  
Marshall,

Messrs—

McCanna,  
McDougal,  
McGillivray,

Messrs—

Murphy,  
Noble,

Mr. Murphy being excused.

Mr. McCarten voting in the negative.

So the bill as amended passed and the title was agreed to.

Mr. Hanna moved

That the vote by which House bill No. 29 passed be reconsidered, and the motion to reconsider be laid upon the table.

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
February 27, 1899.

Mr. President:

I have the honor to transmit herewith

#### CONCURRENT RESOLUTION.

Introduced by the committee on ways and means.

Be it Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the Senate Concurring:

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed \$100,000 in the aggregate, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before January 1, 1901. The existing conditions are such that the collection of taxes from the counties from now until January 1, 1900, may not be sufficient to meet expenses; therefore, this loan is necessary to protect the credit of the state and of the state institutions.

Which the house has passed and your favorable concurrence therein is respectfully requested.

Also,

I have the honor to transmit herewith

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41"

of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Which the house has passed with amendments herewith attached and respectfully ask your concurrence therein.

Amend section 2 of printed bill, line 7, after the word proportion strike out the words "to the superficial feet contained in the lots or lands within the district," and insert in lieu thereof "to the benefits" and add to the printed bill.

Sec. 3. That section 7 of chapter 41 of the laws of 1897 of the state of North Dakota is hereby amended to read as follows:

Sec. 7. Paragraph 1. The city council shall forthwith upon the letting of any contract under the provisions hereof create, by appointment of three persons from among the citizens of such city, several tracts so assessed and the amount assessed against each, and cause the same to be published once in each week for three consecutive weeks in the official newspaper of the city, together with a notice of the time and place, when and where such committee will meet to hear objections which may be made to any such assessment by any owner or occupant of a tract so assessed, or other person interested in such assessment, or his agent or attorney, and thereupon alter or affirm the same as may in the opinion of the committee be just in the premises. The committee shall then deposit such assessment list with the city auditor who shall forthwith cause the same to be again published once in each week for three consecutive weeks in the official newspaper of the city, with a notice to the persons interested that at the next regular meeting of the city council after the expiration of the time of publication of such notice, giving the date thereof, appeals from the decision of such committee in relation thereto will be heard and determined by the city council.

3. At such meeting of the city council any person so aggrieved by the determination of such committee in regard to any such assessment, and who appeared in person or by his agent or attorney before such committee, as hereinbefore provided, if a resident of the city, and all non-resident owners of any property so assessed, whether they appeared before such committee or not, may appear before the city council and present their reasons why the action of such committee should not be affirmed by the city council. "special paving assessment committee," each member of which shall file with the city auditor a written acceptance of such appointment and take and subscribe an oath faithfully and im-

partially to discharge the duties of his position as a member of such committee, which oath shall be filed with the city auditor, and one of such persons shall be designated by the city council as chairman of such committee. The city council may from time to time, as occasion may require, make new appointments to such committee to fill any vacancy arising therein from death or other cause, and in case any person so appointed neglects or refuses to act, to appoint another in his place.

2. It shall be the duty of such committee personally to inspect any and all lots and parcels of land within such improvement district and thereupon assess all such lots and parcels of land, which will in the opinion of such committee be specially benefited by the construction of such improvements, a special assessment in a sum not exceeding such benefits. Whenever such assessment is made and completed as to all the lots, parts of lots or parcels of land to be benefited by the work under any contract, the committee shall make or cause to be made a complete list thereof, setting forth the

Sec. 8. In case of omissions, errors or mistakes in making such assessments in respect of the total cost of improvements, or in case of deficiencies or otherwise, it shall be competent for the council to cause to be made a supplemental assessment to supply such deficiencies, omissions, errors or mistakes, the total of such assessments not to exceed the benefits; such supplemental assessment shall be a lien on the lots and lands as herein provided for the original assessment, shall be payable in the same manner and in the same installments, draw interest at the same rate and shall be capable of enforcement in the same manner as herein provided with respect to the original assessment.

Sec. 5. That section 9 of chapter 41 of the laws of 1897 of the state of North Dakota is hereby amended to read as follows:

Sec. 9. In all cases where any assessment or part thereof as to any lot, lots or parcels of land assessed under any of the provisions of this act, or of any law of any city prior to this act, for any cause whatever, whether jurisdictional or otherwise, shall be set aside or declared void by any court; the city council shall, without unnecessary delay, cause a reassessment or new assessment to defray the expense of such improvement to be made, whether such improvement was made under this act or any law of any city prior to this act, and such reassessment or new assessment shall be made as nearly as may be as herein provided for making the assessment therefor in the first instance, and when the same shall have been made and confirmed by the city council it shall be enforced and collected in the same manner that other assessments are enforced



and collected under this act. And in all cases where judgment is given, and the city council shall then hear and determine such appeals and objections, if any, and may alter or affirm the action of such committee in relation thereto as the city council may deem just in the premises; and shall thereupon cause such lists so altered to conform to its action, if any such alteration is made, to be certified by the city auditor as correct and filed in his office; and such assessments, with interest accruing thereon, shall be a paramount lien upon the property within the limits of the improvement district in which such improvement is made, and upon which such assessment is levied from the time such assessment list is approved by the city council, and shall remain a lien until fully paid, and shall have precedence over all other liens except ordinary taxes, and as to such shall be concurrent, and shall not be divested by any judicial sale; and any mistake in the description of the property or in the name of the owner shall not vitiate the lien.

Sec. 4. That section 8 of chapter 41 of the laws of 1897 of the state of North Dakota is hereby amended to read as follows: shall hereafter be refused or denied by any court, for collection or enforcement of any special assessment or where any court shall hereafter set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lots or parcels of land may be reassessed or newly assessed from time to time until each separate lot, piece or parcel of land has paid its proportionate part of the costs and expenses of said improvements as near as may be.

Amend title by inserting after the figure "6" the figures 7, 8 and 9.

Amend section 3 of the printed bill by renumbering same sec-

J. G. HAMILTON,

Chief Clerk.

Mr. Luke moved

That the senate concur in the house amendments to

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

The roll was called and there were ayes 23, nays 0, absent and not voting 8.

Those who voted in the affirmative were:



**Messrs—**

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

**Messrs—**

Fuller, Pembina  
Hanna,  
Hegge,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,

**Messrs—**

McCanna,  
McCarten,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

**Messrs—**

Arnold,  
Fuller, Stutsman,  
Laidlaw,

**Messrs—**

Levang,  
McDougal,  
McGillivray,

**Messrs—**

Murphy,  
Porter,

So the amendments were concurred in.

The secretary announced that the president was about to sign Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Also,

Senate bill No. 8.

A bill for an act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Also,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Also,

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Also,

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent ex-

perses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Courtesies of the floor were extended to David E. Dinan, C. A. Klaus.

### THIRD READING OF SENATE BILLS.

Senate bill No. 152,

A concurrent resolution relating to school lands.

Was read the third time.

Mr. Marshall moved

The adoption of the report as amended by the committee.

Which motion prevailed,

Mr. McCarten offered the following amendments:

Strike out the words "one-fifth in 10 years, one-fifth in 15 years and one-fifth in 20 years" and insert "and the remaining three-fifths at the option of the purchaser in not more more than 20 years."

And moved its adoption,

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 24, nays 3, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Twichell.

Those voting in the negative were:

Messrs—

Arnold,

Messrs—

Luke,

Messrs—

Slotten,

Absent and not voting:

Messrs—

Cox,  
McGillivray,

Messrs—

Murphy,

Messrs—

Sharpe,

So the bill as amended passed and the title was agreed to.

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers.

Was read the third time.

Mr. Ames moved

The adoption of the report of the committee,  
Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent  
and not voting 4.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Ames,	Fuller, Stutsman,	Marshall,
Arnold,	Hanna,	McCanna,
Baker,	Hegge,	McCarten,
Cashel,	Laidlaw,	McDougall,
Cooper,	LaMoure,	McGillivray,
Cox,	Levang,	Porter,
Creel,	Little,	Sanborn,
Dunlap,	Luke,	Sharpe,
Fuller, Pembina	Mansfield,	Slotten,

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Cronan,	Murphy,	Twichell.
Noble,		

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Laidlaw moved

That the vote by which Senate bill No. 147 passed be reconsid-  
ered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

Mr. Little moved

That the further consideration of  
Senate bill, No. 51,

A bill for an act to regulate primary elections.

Be indefinitely postponed,

Which motion prevailed.

Mr. Twichell moved

That the further consideration of

Senate bill No. 166,

Proposed amendment to the constitution of the state of North  
Dakota.

Be indefinitely postponed,

Which motion prevailed.

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897,  
entitled "an act to amend section 4764 of the Revised Codes of the  
state of North Dakota, being chapter 74, entitled pledge."

Was read the third time.

Mr. Hanna moved

That the report of the committee be adopted,  
Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Creel,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Little,

Messrs—

McDougal,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Laidlaw moved

That the vote by which Senate bill No. 158 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Was read the third time.

Mr. Twichell moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,



Messrs—

Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

McDougal

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate bill No. 161 passed be reconsidered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

President pro. tem. McGillivray in the chair.

Senate bill No. 137,

A bill for an act to amend section 2068 of the Revised Codes relating to compensation of county judges.

Was read the third time.

Mr. McDougal moved

The adoption of the report of the committee,  
Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Laidlaw,  
LaMoire,  
Levang,  
Little,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Arnold,  
Cox,  
Fuller, Stutsman,

Messrs—

Hegge,  
Luke,  
Marshall,

Messrs—

Murphy,  
Twichell.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. McDougal moved

That the vote by which Senate bill No. 137 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Concurrent resolution introduced by Mr. Creel.

Was read the third time.

Mr. Cashel moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Marshall,

Messrs—

McDougal  
Murphy,

Messrs—

Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisement, advertising and expenses attendant upon the sale of institution and common school lands.

Was read the third time.

Mr. Little moved

The adoption of the report of the committee,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 0, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—  
Arnold,  
Fuller, Stutsman,

Messrs—  
McDougal

Messrs—  
Murphy,

So the bill passed and the title was agreed to.

Mr. Noble moved

That the vote by which Senate bill No. 151 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The president presiding.

## CONSIDERATION OF MESSAGES FROM THE HOUSE.

### CONCURRENT RESOLUTION.

Whereas, at a time when the sunlight of peace was obscured by the sullen cloud of war, when the shackles of slavery and misery forged of oppression and cruelty, weighed down to death and desolation countless thousands of despairing fellow creatures; when the battered wreck of a proud battleship, and the mangled bodies of the sailors of a free and friendly people hurled to sudden death in the foul waters of Havana harbor, crowned fear with treachery and hatred with infamy, there went forth from this land a citizen soldiery whose ranks were a bulwark of liberty and justice, and whose tread was the grandest music of patriotism; and,

Whereas, none in this grand army of liberty that shall carry light and freedom through darkness and ignorance have been found more loyal or unwavering in devotion to duty than the soldiers of North Dakota who, under southern stars and in a distant clime, with patriotism as the needle which points them to the bright guide star of duty are battling with a treacherous foe and with insidious disease, pressing forward the unfurled stripes and stars beneath a merciless sun, through a leaden hail, unwavering, unfaltering and hesitating not, but with a courage and patriotism that shall rank them with earth's heroes; therefore,

Be it resolved, by the house of representatives of the Sixth Legislative assembly, the senate concurring, that there is inspired in this legislative assembly a sense of pride and gratitude that is not expressible in words, but that finds expression in a simple message of proud commendation, thankfulness and good cheer, and in an earnest prayer to the God of battles that He do cherish, guard and protect the soldiers of this state and of the union, as it shall seem well in His wisdom so to do; and, be it further

Resolved, that a copy of these resolutions be forwarded to the commander of the First North Dakota regiment at Manila, Lieut.-Col. W. C. Truemann.

Mr. Hanna moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that

Senate bill No. 69,

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Also,

Senate bill No. 31,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 8.

An act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Also,

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Also,

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money

advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Also,

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Also,

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Also,

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Also,

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Were delivered to his excellency, the governor, for his approval at the hour of 3:50 o'clock p. m., on February 27, 1899.

E. F. PORTER,

Chairman.



The president announced as senate steering committee Messrs. Little, LaMoure, Marshall, Hanna and Twichell.

Mr. Hanna moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## FIFTY-SEVENTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
February 28, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by Rev. Gurnsey.

Roll called.

All members present except Mr. Murphy, who was excused.

Mr. Dunlap moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Sanborn, Baker and Slotten a committee to correct and revise the Journal of the fifty-sixth day.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Also,

Senate bill No. 116,

A bill for an act to prohibit and punish the sale, offering for sale, cigarettes, cigarette paper or substitutes for the same, and to prohibit and punish the use of cigarettes, cigars or tobacco by persons under 18 years of age, and to prohibit and punish the carrying or having by any person under 18 years of age of any cigarettes, cigars or tobacco, and to prohibit and punish the harboring of persons under 18 years of age, or permitting them to gather or frequent any place or premises to indulge in the use of cigarettes, cigars or tobacco, and to repeal section 7337 of the Revised Codes of 1895.

Also,

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers

Also,

Senate bill No. 152,

A concurrent resolution relating to school lands.

Also,

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Also,

Senate bill No. 158,

A bill for an act to amend chapter 109 of the general laws of 1897, entitled "an act to amend section 4764 of the Revised Codes of the state of North Dakota, being chapter 74, entitled pledge."

Also,

Senate bill No. 137,

A bill for an act to amend section 2068 of the Revised Codes relating to compensation of county judges.

Also,

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisement, advertising and expenses attendant upon the sale of institution and common school lands.

Also,

Senate bill No. 93,

A bill for an act prescribing penalties for failure to correctly list personal property. Defining the duties of assessors, boards of review in townships, villages and cities, boards of equalization in cities having a board of equalization, county auditors, county boards of equalization and state boards of equalization prescribing penalties for failure to perform the same. And prescribing penalties for failure of witness to appear and testify when subpoenaed by such boards.

And find the same correctly engrossed.

Also,

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred  
Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Also,

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 167,

A bill for an act to reimburse parties sustaining loss on leasing school lands, and providing for an appropriation therefor.

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. TWICHELL,

Chairman.

Mr. Twichell moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Have had the same under consideration and recommend that the same do not pass.

T. TWICHELL,

Chairman.

Mr. Cox moved

That the report of the appropriation committee on

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Be made a special order for Wednesday, March 1, 1899, at 3 o'clock p. m.,

Which motion prevailed.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

House bill No. 31,

A bill for an act to promote immigration.

Have had the same under consideration and recommend that the same be amended as follows:

In line 1 of section 1 of the printed bill strike out the words "one thousand" and insert in lieu thereof the words "five hundred."

And when so amended recommend that the same do pass.

T. TWICHELL,

Chairman.

Mr. McGillivray moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Have had the same under consideration and recommend that the same be amended as follows:

In line 4, of section 1, of the printed bill strike out the words "two thousand" and insert in lieu thereof the words "five hundred."

And when so amended recommend that the same do pass.

T. TWICHELL,

Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on counties made the following report:

Mr. President:

Your committee on counties to whom was referred

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Have had the same under consideration and recommend that the same do pass.

W. W. GLASGOW,

Chairman.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred



Senate bill No. 143,

A bill for an act to amend article 7 of chapter 22 of the 1895 Revised Statutes of North Dakota, relating to district veterinarians.

Have had the same under consideration and recommend that further consideration of this bill be indefinitely postponed.

WESLEY BAKER,

Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed and  
The report was adopted.

The committee on insurance made the following report:

Mr. President:

Your committee on insurance to whom was referred  
House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Have had the same under consideration and recommend that the same be amended as follows:

Near the end of section 1 after the word "passengers" strike out all to the end of the section being "grain in elevators and warehouses stored in the same for the purpose of shipment."

And when so amended recommend that the same do pass.

O. I. HEGGE,

Chairman.

Mr. Hanna moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
House bill No. 2,

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Also,

Substitute for House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing

liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

And when so amended recommend that the same do pass.

Also,

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Also,

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Also,

House bill No. 77,

A bill for an act to amend section 2724 of the Revised Codes of the state of North Dakota, of the revision of 1895, relating to the licensing and solemnizing of marriages and authority of celebrants.

Also,

Senate bill No. 155,

A bill for an act entitled "an act to amend sections 2068 and 2069 of the Revised Codes of North Dakota relating to salary of county judge and clerk hire for county court.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred

Substitute for House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Have had the same under consideration and recommend that the same be amended as follows:

By striking out all of section 1 of said bill after the word "dollars" followed by a semicolon in line 4 of the printed bill and inserting in lieu thereof as follows: "Over five hundred thousand and under one million five hundred thousand dollars, four hundred dollars; over one million five

hundred thousand and under two million dollars, five hundred dollars; over two million dollars and under two million five hundred thousand dollars, seven hundred dollars; over two million five hundred thousand dollars and under four million five hundred thousand dollars, one thousand dollars; over four million five hundred thousand dollars and under seven million dollars, fourteen hundred dollars; over seven million dollars and under eight million dollars, fifteen hundred dollars, and in all counties having a valuation over eight million dollars, eighteen hundred dollars, and no more for his personal services; provided, that the salary of county judge in counties having increased jurisdiction shall not be affected by the provisions of this act..”

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McGillivray moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
Substitute for House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Have had the same under consideration and recommend that the same be amended as follows:

By changing the words “one thousand dollars in lines 6 and 7 of the printed bill to read “nine hundred dollars.”

In line 8 of printed bill make the words “twelve hundred” read “one thousand.”

In line 9 of printed bill change the words “fourteen hundred” to “twelve hundred.”

Strike out all of line 10 of printed bill and insert in lieu thereof the following: “Under four million five hundred thousand, fifteen hundred dollars, over four million five hundred thousand dollars.”

Make “eight million dollars” in line 11 read “six million dollars” in both places.

In lines 12 and 13 strike out “nine million” and insert in place thereof “eight million.”

By striking out section 3.

And when so amended recommend that the same do pass.

C. B. LITTLE,  
Chairman.

Mr. McDougal moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on judiciary made the following report:

Mr. President:

Your committee on judiciary to whom was referred  
House bill No. 65,

A bill for an act to amend sections 5848, 5861 and 5862 of the Revised Codes of North Dakota, relating to the foreclosure of mortgages by advertisement.

Have had the same under consideration and recommend that the same be indefinitely postponed.

C. B. LITTLE,  
Chairman.

Mr. Hanna moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on corporations other than municipal made the following report:

Mr. President:

Your committee on corporations other than municipal to whom was referred

House bill No. 194,

A bill for an act to amend section 2895, chapter 11 of the Revised Codes of North Dakota.

Have had the same under consideration and recommend that the same do pass.

F. W. AMES,  
Chairman.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred  
House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Have had the same under consideration and recommend that the same do pass.

D. W. LUKE,  
Chairman.

The committee on public lands made the following report:

Mr. President:

Your committee on public lands to whom was referred  
Senate bill No. 174,

A bill for an act authorizing, empowering and directing the

governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Have had the same under consideration and recommend that the same do pass.

D. W. McCANNA.

Chairman.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 168,

Concurrent resolution amending section 215 of article 19 of the constitution of North Dakota, changing the name of the deaf and dumb asylum to School for the Deaf.

Also,

Senate bill No. 169,

A bill for an act to amend section 707, chapter 75, of the session laws of 1897 relating to education; providing for an enumeration each year of the deaf and dumb persons in each school district in the state.

Have had the same under consideration and recommend that the same do pass.

Also,

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722, Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Have had the same under consideration.

The majority of the committee recommend the bill do pass.

A minority recommend that the bill do not pass.

L. B. HANNA,

Chairman.

The committee on ways and means made the following report:

Mr. President:

Your committee on ways and means to whom was referred

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter



126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Have had the same under consideration and recommend that the same do pass.

L. B. HANNA,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate bill No. 134,

A bill for an act amending chapter 87 of the laws of 1897 being  
“an act relating to societies organized for the purpose of securing  
homes for orphans or abandoned, neglected or grossly ill-treated  
children, by adoption or otherwise, and providing rules for the  
regulation of the same.”

Also,

Senate bill No. 179,

A joint resolution regulating the compensation of the door-  
keepers, assistant sergeant-at-arms, janitors and watchmen of the  
Senate and House of Representatives.

Have had the same under consideration and recommend that  
the same do pass.

T. F. MARSHALL,  
Chairman.

#### REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal  
of the fifty-fourth day, respectfully report the following correc-  
tions:

Page 20, add at the end of line 29 the words “as amended.”

Page 29, second line from bottom of page after the word “bill” insert  
the words “as amended.”

Page 22, line 19, after the word “bill” insert the words “as amended.”

And when so amended recommend that the Journal of the  
fifty-fourth day be approved.

H. M. CREEL,  
Chairman.

Mr. Creel moved

That the report be adopted,  
Which motion prevailed and  
The report was adopted.

The courtesies of the floor were extended to Hans C. Stronshool, A. P. Zuger, J. C. Campbell, Patrick McGirley, P. W. McGilic, A. E. Sharpluge, F. Baldwin, C. Ellsworth, Henry Cornwall, Oscar Seiler, F. Lentz and C. Klaus.

## CONSIDERATION OF MESSAGES FROM THE HOUSE.

### CONCURRENT RESOLUTION.

Introduced by the committee on ways and means.

Be it Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the Senate Concurring:

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed \$100,000 in the aggregate, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before January 1, 1901. The existing conditions are such that the collection of taxes from the counties from now until January 1, 1900, may not be sufficient to meet expenses; therefore, this loan is necessary to protect the credit of the state and of the state institutions.

Was read and

Referred to the committee on appropriations.

The secretary announced that the president was about to sign Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Mr. Hanna moved

That all senate bills on the desk entitled to third reading be given their third reading and put upon their final passage,

Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Senate bill No. 93,

A bill for an act prescribing penalties for failure to correctly list personal property. Defining the duties of assessors, boards of review in townships, villages and cities, boards of equalization in cities having a board of equalization, county auditors, county boards of equalization and state boards of equalization prescribing penalties for failure to perform the same. And prescribing penalties for failure of witness to appear and testify when subpoenaed by such boards.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 14, nays 16, absent and not voting 1.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Little,	Sanborn,
Arnold,	Luke,	Sharpe,
Cooper,	Marshall,	Slotten,
Dunlap,	McCanna,	Twichell.
Levang,	McCarten,	

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker.	Fuller, Stutsman,	Mansfield,
Cashel,	Hanna,	McDougal,
Cox,	Hegge,	McGillivray,
Cronan,	Laidlaw,	Noble,
Creel,	LaMoure,	Porter,
Fuller, Pembina		

Absent and not voting, Mr. Murphy.

Mr. Murphy being excused.

So the bill as amended was lost.

Senate bill No. 116,

A bill for an act to prohibit and punish the sale, offering for sale, cigarettes, cigarette paper or substitutes for the same, and to prohibit and punish the use of cigarettes, cigars or tobacco by persons under 18 years of age, and to prohibit and punish the carrying or having by any person under 18 years of age of any cigarettes, cigars or tobacco, and to prohibit and punish the harboring of persons under 18 years of age, or permitting them to gather or frequent any place or premises to indulge in the use of cigarettes, cigars or tobacco, and to repeal section 7337 of the Revised Codes of 1895.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 2, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina	Marshall,
Arnold,	Fuller, Stutsman,	McCanna,
Baker,	Hanna,	McCarten,
Cashel,	Hegge,	McDougal,
Cooper,	Laidlaw,	McGillivray,
Cox,	LaMoure,	Noble,
Cronan,	Levang,	Sanborn,
Creel,	Little,	Slotten,
Dunlap,	Luke,	Twichell.

Mr. Murphy being excused.

Absent and not voting, Messrs. Mansfield and Murphy.

Messrs. Porter and Sharpe voting in the negative.

So the bill passed and the title was agreed to.

Mr. Cox moved

That the vote by which Senate bill No. 116 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Was read the third time.

Mr. McGillivray moved

The report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cronan,  
Marshall,

Messrs—

Murphy,  
Porter,

Messrs—

Sharpe,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Was read the third time.

Mr. McGillivray offered the following amendments:

Between words "under" and figures "\$3,000,000" in line 6, page 1, printed bill add the following figures and words: "\$2,500,000, \$800; over \$2,500,000 and under."

Amend title by striking out words in title "and assistant states' attorney."

Striking out figures "\$650" in line 5, page 1, printed bill and insert in lieu thereof "\$600."

Strike out figures "\$800" in line 6, page 1, printed bill and insert in lieu thereof the figures "\$700."

Mr. McGillivray moved

The adoption of the amendments,

Which motion prevailed, and

The amendments were adopted

Mr. Cashel offered the following amendments:

Line 7 of printed bill where "\$5,000,000" appears in two places strike out "\$5,000,000" in both places and insert in lieu thereof "\$6,000,000."

On same line strike out "\$8,000,000" and insert "\$7,000,000."

Insert between lines 7 and 8 the following: "Over \$7,000,000 and under \$8,000,000, \$1,750."

Mr. Cashel moved

The adoption of the amendments,

Which motion prevailed.

Which motion prevailed, and

The amendments were adopted

Mr. LaMoure offered the following amendment:

Strike out "\$1,250" and insert in lieu thereof "\$1,200."

Mr. LaMoure moved

The adoption of the amendment,

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays 5, absent and not voting 1.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Twichell.

Those voting in the negative were:

Messrs—

Dunlap,  
Levang,

Messrs—

McCarten,  
Sharpe,

Messrs—

Slotten,

Absent and not voting, Mr. Murphy.



Mr. Murphy being excused.

So the bill as amended passed and the title as amended was agreed to.

Mr. McGillivray moved

That the vote by which Senate bill No. 80 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

**Messrs—**

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

**Messrs—**

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

**Messrs—**

Marshall,  
McCanna,  
McCarten,  
McDougal,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

**Messrs—**

Hegge,  
Laidlaw,

**Messrs—**

McGillivray,  
Murphy,

**Messrs—**

Noble,  
Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which Senate bill No. 176 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the

university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Was read the third time.

Mr. McCanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 0, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoore,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Dunlap,  
Fuller, Stutsman,

Messrs—

Levang,

Messrs—

Murphy,

Mr. Murphy being excused

So the bill passed and the title was agreed to.

Mr. Arnold moved

That the vote by which Senate bill No. 174 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed,

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 20, nays 4, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,

Messrs—

Fuller, Pembina,  
Hanna,  
Hegge,  
Laidlaw,  
Little,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Slotten,

Those voting in the negative were:

Messrs—

McCarten,  
Porter,

Messrs—

Sharpe,

Messrs—

Twichell.

Absent and not voting:

Messrs—

Ames,  
Creel,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Levang,

Messrs—

Marshall,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which Senate bill No. 179 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Senate bill No. 169,

A bill for an act to amend section 707, chapter 75, of the session laws of 1897 relating to education; providing for an enumeration each year of the deaf and dumb persons in each school district in the state.

Was read the third time.

Mr. Cooper moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Senate bill No. 168,

Concurrent resolution amending section 215 of article 19 of the constitution of North Dakota, changing the name of the deaf and dumb asylum to School for the Deaf.

Was read the third time.

Mr. Little moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

LaMoure,

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

President pro. tem. McGillivray in the chair.

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Was read the third time.

Mr. Hanna moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none; absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina,	Marshall,
Baker,	Hanna,	McCanna,
Cashel,	Hegge,	McCarten,
Cooper,	Laidlaw,	McGillivray,
Cox,	Levang,	Noble,
Cronan,	Luke,	Sharpe,
Dunlap,	Mansfield,	Slotten,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Porter,
Creel,	McDougal	Sanborn,
Fuller, Stutsman,	Murphy,	Twichell.
LaMoure,		

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Ames moved

That the vote by which Senate bill No. 171 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The secretary announced that the president was about to sign House bill No. 92,

A bill for an act entitled an act authorizing cities to establish and maintain a general system of sewerage, and to provide for the cost thereof, and to create sewer improvement districts within the limits of such cities.

Also,

### CONCURRENT RESOLUTION.

Whereas, at a time when the sunlight of peace was obscured by the sullen cloud of war, when the shackles of slavery and misery forged of oppression and cruelty, weighed down to death and desolation countless thousands of despairing fellow creatures; when the battered wreck of a proud battleship, and the mangled bodies of the sailors of a free and friendly people hurled to sudden death in the foul waters of Havana harbor, crowned fear with treachery and hatred with infamy, there went forth from this land a citizen soldiery whose ranks were a bulwark of liberty and justice, and whose tread was the grandest music of patriotism; and,

Whereas, none in this grand army of liberty that shall carry light and freedom through darkness and ignorance have been found more loyal or unwavering in devotion to duty than the soldiers of North Dakota who, under southern stars and in a distant clime, with patriotism as the needle which points them to the bright guide star of duty are battling with a treacherous foe and with insidious disease, pressing forward the unfurled stripes and stars beneath a merciless sun, through a leaden hail, unwavering, unfaltering and hesitating not, but with a



courage and patriotism that shall rank them with earth's heroes; therefore,

Be it resolved, by the house of representatives of the Sixth Legislative assembly, the senate concurring, that there is inspired in this legislative assembly a sense of pride and gratitude that is not expressible in words, but that finds expression in a simple message of proud commendation, thankfulness and good cheer, and in an earnest prayer to the God of battles that He do cherish, guard and protect the soldiers of this state and of the union, as it shall seem well in His wisdom so to do; and, be it further

Resolved, that a copy of these resolutions be forwarded to the commander of the First North Dakota regiment at Manilla, Lieut.-Col. W. C. Truemann.

### THIRD READING OF HOUSE BILLS.

Substitute for House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 20, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina,	McCarten,
Baker,	Hanna,	McGillivray,
Cashel,	Hegge,	Noble,
Cooper,	Laidlaw,	Sanborn,
Cox,	Levang,	Slotten,
Crozan,	Mansfield,	Twichell.
Dunlap,	Marshall,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	Little,	Murphy,
Creel,	Luke,	Porter,
Fuller, Stutsman,	McCanna,	Sharpe,
LaMoure,	McDougal	

Mr. Murphy being excused

So the substitute passed and the title was agreed to.

Mr. Twichell moved

That the vote by which House bill No. 35 passed be reconsidered and the motion to reconsider, be laid upon the table.

Which motion prevailed.

House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Was read the third time.

Mr. Cashel moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays 2, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Stutsman,  
LaMoure,

Messrs—

Marshall,  
McDougal,

Messrs—

Murphy,

Mr. Murphy being excused.

Messrs. Hanna and Porter voting in the negative.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House bill No. 135 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Absent and not voting:

Messrs—

Fuller, Stutsman,

Mr. Murphy being excused

Mr. Cox voting in the negative.

So the bill passed and the title was agreed to.

Mr. Twichell moved

That the vote by which House bill No. 112 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

Was read the third time.

Mr. Marshall moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Absent and not voting:

Messrs—

Creel,  
Fuller, Stutsman,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Messrs—

Murphy,

Messrs—

McDougal,

Messrs—

McCarten,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Messrs—

McDougal,  
Murphy,

Messrs—

Laidlaw,  
Little,

Mr. Marshall moved

That the vote by which House bill No. 134 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The president in the chair.

House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Was read the third time.

Mr. Marshall moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Creel,  
Levang,

Messrs—

Little,

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Marshall moved

That the vote by which House bill No. 195 passed be reconsidered, and the motion to reconsider be laid upon the table,

Substitute for House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of the county treasurers.

Which was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

## Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Dunlap,  
Fuller, Pembina,  
Fuller, Stutsman,  
Hanna

## Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

## Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting:

## Messrs—

Creel,

## Messrs—

Cronan,

## Messrs—

Murphy,

Mr. Murphy being excused

Mr. Cox voted in the negative.

So the bill passed and the title was agreed to.

Mr. McGillivray moved

That the vote by which substitute for House bill No. 106 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Also,

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Also,

Senate bill No. 168.

Concurrent resolution amending section 215 of article 19 of the



constitution of North Dakota, changing the name of the deaf and dumb asylum to School for the Deaf.

Also,

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

And find the same correctly engrossed.

Also,

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

Was delivered to his excellency, the governor, for his approval at the hour of 4:15 o'clock p. m. February 28, 1899.

E. F. PORTER,

Chairman.

Mr. Creel sent the following newspaper clipping:

"The senate appropriation committee will recommend an appropriation of \$47,000 for the school for the deaf. The Grand Forks Plaindealer correspondent says: 'The handsome appropriation for the deaf school was due to the efforts of Attorney General Cowan. The institution is in a disgraceful condition and calls for additions and changes. Some of the committee were not going to be so generous, when Cowan laid down on them hard and won. It is possible that the appropriations may be slashed in the house.'"—From Devils Lake Free Press Feb. 23, 1899.

And addressed the senate on a question of privilege regarding the appropriation for the school for the deaf, explaining that the credit of the liberal appropriation for the school should be given in a large measure to the joint visiting committee on public institutions.

Mr. Hanna moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,

Secretary.

## FIFTY-EIGHTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 1, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. LaMoure and Murphy, who were excused.

Mr. Cox moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. Twichell, Levang and Hegge a committee to correct and revise the Journal of the fifty-seventh day.

Mr. Hanna presented the following petition:

To the North Dakota Senate:

The undersigned petition your honorable body to pass House bill No. 107, relating to fines for Sabbath breaking.

WILLIAM STAPLES  
(And 23 others).

Referred to the committee on judiciary.

## REPORTS OF STANDING COMMITTEES.

The committee on appropriations made the following report:

Mr. President:

Your committee on appropriations to whom was referred

## CONCURRENT RESOLUTION.

Introduced by the committee on ways and means.

Be it Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the Senate Concurring:

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed \$100,000 in the aggregate, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before January 1, 1901. The existing conditions are such that the collection of taxes from the counties from now until January 1, 1900, may not be sufficient to meet expenses; therefore, this loan is necessary to protect the credit of the state and of the state institutions.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 72,

A bill for an act making an appropriation to provide for the payment of deficiency expenses incurred by the board of university and school lands with reference to the leasing of lands.

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. TWICHELL,  
Chairman.

Mr. Twichell moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

Committee on appropriations made the following report on  
House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Section 1, line 11, strike out the words "two thousand" and insert in lieu thereof the words "five hundred."

Mr. Twichell moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

The committee on banks and banking made the following report:

Mr. President:

Your committee on banks and banking to whom was referred

House bill No. 12.

A bill for an act to amend section 4064 of the Revised Codes of North Dakota relating to usury.

Have had the same under consideration and recommend that the same be indefinitely postponed.

D. W. LUKE,  
Chairman.

Mr. Laidlaw moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred  
Senate bill No. 178,

A bill for an act to provide for the study of foreign languages in the district schools of North Dakota.

Also,

Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Have had the same under consideration and recommend that the same do pass.

Also,

Senate bill No. 160,

A bill for an act to provide for the apportionment of the indebtedness of school districts, school corporations, or school townships when divided.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,  
Chairman.

Mr. Hanna moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

Senate bill No. 175,

A bill for an act to amend section 704 of chapter 75 of the general laws of 1897, entitled an "act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895 relating to education."

Have had the same under consideration and recommend that the same be amended as follows:

In line 21 of the printed bill, after the word "of," strike out the words "a majority" and insert in lieu thereof the words "two-thirds."

And when so amended recommend that the same do pass.

L. B. HANNA,  
Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on warehouses, grain and grain grading made the following report:

Mr. President:

Your committee on warehouses, grain and grain grading to whom was referred

House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

Have had the same under consideration and recommend that the same do pass.

J. B. SHARPE,  
Chairman.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and



authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Also,

Senate bill No. 169,

A bill for an act to amend section 707, chapter 75, of the session laws of 1897 relating to education; providing for an enumeration each year of the deaf and dumb persons in each school district in the state.

Also,

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
House bill No. 182,

A bill for an act to amend section 373 of the Revised Statutes of North Dakota, relating to deputies.

Have had the same under consideration and recommend that the same be indefinitely postponed.

T. F. MARSHALL,  
Chairman.

Mr. Marshall moved

The adoption of the report,

Which motion prevailed and

The report was adopted.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate bill No. 170,

A bill for an act to establish a board of inspection for steam boilers.

Have had the same under consideration and recommend that the same without recommendation.

T. F. MARSHALL,  
Chairman.

## REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee appointed to correct the Journal of the fifty sixth day, report same correct.

R. C. SANBORN,  
A. SLOTTEN,  
W. BAKER,

Mr. Sanborn moved  
The adoption of the report,  
Which motion prevailed and  
The report was adopted.

Mr. President:

The special committee appointed to secure committee rooms, have to report that they secured suite of rooms for \$300 for the session, including heat and light.

C. B. LITTLE,  
R. C. COOPER,  
Committee.

Mr. Little moved  
The adoption of the report,  
Which motion prevailed, and  
The report was adopted.

Mr. Sharpe moved

The reading of the report of the committee on investigation be postponed and it be printed in the Journal and made a special order for 2:30 p. m. Thursday.

Which motion prevailed.

Mr. President:

Your special committee appointed under a resolution of the senate, "To inquire into whether John H. Worst drew two salaries at the same time—that for lieutenant-governor and for president of the agricultural college," beg leave to report that by a strict construction of the wording of such resolution your committee was confined to a single inquiry, namely: Did he draw two salaries at the same time—one for lieutenant governor and another for president of the agricultural college, but at the hearing had before the committee the scope of the inquiry was by common consent enlarged to embrace not only the question as to whether Mr. Worst drew said salaries but also the question as to his right so to do. After a thorough investigation we find as follows:

1. Mr. Worst entered upon the duties of lieutenant governor in January, 1895, and performed the duties of said office as presiding

officer of the senate until the adjournment thereof in March, 1895.

2. In May of said year he was employed by the board of trustees of the agricultural college and experiment station as president of the former and director of the latter and assumed the duties thereof on July 1st, 1895, and has continued in said position up to this date. His term of office as lieutenant governor expired Dec. 31st, 1896.

3. He has performed the duties of president of said college without any compensation since his said appointment in 1895.

4. On or about July 1st, 1895, he was employed by the said board of trustees as professor of political economy at said institution and has during his said employment taught such other branches as have been assigned him, and has as director of said experiment station been superintendent of the experimental farm at the college.

5. From July 1st, 1895, to Dec. 31st, 1896, he drew from the state a salary as lieutenant governor and during the same period and up to date he has received a salary as such professor of political economy and director of the station, under and in pursuance of a contract with the board of trustees of said institution, which salary was paid from the appropriation made by the government of the United States. He has at no time received any compensation from the state for his services performed at the college.

6. By section 935 of the Political Code, the government and management of the college is vested in a board of trustees appointed by the governor.

7. The president of the college by section 943 of said code is made the chief executive officer of the college. It is his duty to see that all rules and regulations are executed and the employes (not of the faculty) are under his direction and supervision. He is employed by the trustees under contract like any other employe and is under the direction of the board and may be discharged by it at pleasure, except as his employment may be regulated by a contract with said board. He receives no certificate of appointment, takes no oath of office, has no term or tenure except by contract as aforesaid and is responsible to the said board.

8. That the duties assumed by him in his connection with the agricultural college was with the understanding that his employment there should in no manner interfere with any future duties that might arise by reason of his position as lieutenant governor of the state.

9. Section 73 of the constitution of this state provides:

"No person shall be eligible to the office of governor or lieutenant governor unless he be a citizen of the United States, and a qualified elector of the state, who shall have attained the age of thirty years, and who shall have resided five years next preceding the election within the state or territory, nor shall he be eligible to any other office during the term for which he shall have been elected." It has been claimed that the said employment of Mr. Worst by the trustees was the appointment to an office within the meaning of said section of the constitution, and therefore he could not legally hold the same during the unexpired portion of his term as lieutenant governor and receive pay as such professor or president and also as lieutenant governor.

Mr. Worst does not deny drawing said salaries—one as lieutenant governor, from the state, the other from the federal government for work at the college. He has repeatedly affirmed it. The question involved is his right so to do. This requires a construction of said section of the constitution. The term "office" has a very general signification. The presidency of a bank is an office but this is not the kind of office contemplated by the constitution.

In *Ryan vs. Mayor of New York*, 50 Howard's Practice, 91, the court say: The meaning of the words "office" and "officer" necessarily varies with its use in different statutes, and to determine it correctly in a particular instance, regard must be had to the intention of the act and the subject matter in respect to which the terms are used.

In *Olmstead vs. Mayor*, 42 N. Y. Superior Court, 487, the court say: "One who receives no certificate of appointment, takes no oath of office, has no term or tenure of office, discharges no duties and exercises no powers depending directly upon the authority of law, but simply perform such duties as are required of him by the persons employing him, and whose responsibility is limited to that, is not an 'officer.'"

**"OFFICE IMPLIES AUTHORITY TO EXERCISE SOME PORTION OF THE SOVEREIGN POWER OF THE STATE."**

In *Butler vs. Regents of the University*, 32 Wis., 24, the court say that a professor in the state university is not a public officer and declare that he stands in the same relation to the trustees that a school teacher in the public schools occupies with respect to the school board.

A similar question was before the territorial supreme court in the famous Capitol Commission case (3 Smith, 416) and the court, in construing the word "officer" in the organic act of the territory, say: "The officers contemplated in that section (1857) are, in our opinion,



those continuously employed in the regular and permanent administration of government; those by whom the territory performs its usual political functions—its functions of government.

See also *Sheboygan County vs. Parker*, 3 Wallace, 39.

High, in his work on Extraordinary Legal Remedies, Section 620, says: An office is a public position, to which a portion of the sovereignty of the country, legislative, executive or judicial attaches for the time being and which is exercised for the benefit of the public.

In the American and English Encly. of Law, Vol. 19, page 381, it is said: "Public officers are officers by whom the government performs its usual public functions—its functions of government." See also cases cited in note on said page. On page 382 of said work, the rule is laid down as follows: The "office" implies a delegation of a portion of the sovereign power to and possession of it by the person filling the office—a public office being a agency for the state and the person whose duty it is to perform the agency being the public officer. The term embraces the idea tenure, duration, emolument and duties, and has a respect to a permanent public trust to be exercised in behalf of the government and not for a merely transient, occasional or incidental employment. A person in the service of the government who derives his position from a duly and legally authorized election or appointment, whose duties are continuous in their nature and determined by rules prescribed by government and not by contract, consisting of important public powers, trusts or duties as a part of the legal administration of the government."

In the same work, on page 386, it is declared that a duty or employment arising out of contract and dependent for its duration and extent upon the terms of such contract, is not an office.

10. Upon the facts and the law we are of the opinion that Mr. Worst did not occupy two offices at the same time within the meaning of the constitution; that his employment by the trustees of the college did not create an office and that he had a right to receive his salary as lieutenant governor for such portion for the term as he was employed by said trustees and that he also had a right to receive from the federal government a salary for services performed during said time as professor of political economy and director of the experiment station of the agricultural college.

J. B. SHARPE,  
R. C. COOPER,  
T. W. AMES,  
A. B. COX.



Mr. Noble moved

That a conference committee be appointed to meet with a like committee from the house to confer over the amendments made by the senate to

House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Which motion prevailed.

The President appointed Messrs. Noble, Twichell and Sanborn as such committee.

#### INTRODUCTION OF SENATE BILLS.

Mr. Creel introduced

Senate bill No. 180,

#### CONCURRENT RESOLUTION.

Providing a Contingent Fund for the First North Dakota Volunteers.

Be it Resolved by the Senate, the House of Representatives Concurring:

That the governor be and he is hereby empowered and directed to draw the sum of \$2,500 from the military appropriation of the state of North Dakota and transmit the same to the first North Dakota volunteers at Manila in the Philippine islands, to be used as a contingent fund for the comfort and welfare of said volunteers under the direction of a board consisting of the field officers and company commanders in command of troops.

Mr. Creel moved

That the rules be suspended and that

Senate bill No. 180,

Concurrent resolution providing a contingent fund for the first North Dakota volunteers.

Be read the first and second times and referred,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 180,

Concurrent resolution providing a contingent fund for the first North Dakota volunteers,

Was read the first and second times, and

Referred to committee on military affairs.

Mr. Hanna moved

That the rules be suspended and all Senate bills reported on by committees be given their third reading,

Which motion prevailed.

Mr. Little moved that

Senate bill No. 178,

A bill for an act to provide for the study of foreign languages in the district schools of North Dakota.

Be made a special order for Thursday, March 2, 1899, at 2:30 p. m.,

Which motion prevailed.

Mr. Hanna moved that

Senate bill No. 170,

A bill for an act to establish a board of inspection for steam boilers.

Be made a special order for Thursday, March 2, 1899, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Little moved that

Senate bill No. 58,

A bill for an act entitled, "An act providing for the nomination by primary election of candidates of the different political parties for all county, legislative and city elections, and providing for the primary election of delegates to the nominating conventions of the different political parties for all general and state and federal elections; and generally to promote the purity of primary elections, regulating the conduct thereof, prohibiting certain acts and practices in relation thereto, and prescribing a punishment therefor."

Be indefinitely postponed.

Roll call demanded.

The roll was called and there were ayes 14, nays 12, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Baker,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
Little,  
Mansfield,  
McDougal,

Messrs—

McGillivray,  
Porter,  
Sanborn,  
Twichell.

Those voting in the negative were:

Messrs—

Ames,  
Cashel,  
Cooper,  
Cox,

Messrs—

Cronan,  
Levang,  
Luke,  
Marshall,

Messrs—

McCanna,  
Noble,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Arnold,  
Creel,

Messrs—

LaMoure,  
McCarten,

Messrs—

Murphy,

Messrs. LaMoure and Murphy being excused.

So the motion prevailed, and

Senate bill No. 58 was indefinitely postponed.

## THIRD READING OF HOUSE BILLS.

House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Was read the third time.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 21, nays 1; absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McDougal  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
Arnold,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Levang,  
Luke,

Messrs—

McCarten,  
Murphy,  
Twichell.

Messrs. LaMoure and Murphy being excused.

Mr. Dunlap voting in the negative.

So the bill as amended passed and the title was agreed to.

Mr. Little moved

That the vote by which House bill No. 70 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Substitute for House bill No. 104.

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

## Absent and not voting:

Messrs—

Ames,  
Arnold,

Messrs—

LaMoire,  
McCanna,

Messrs—

McDougal,  
Murphy,

Messrs. LaMoire and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. McGillivray moved

That the vote by which House bill No. 104 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McGillivray,  
Noble,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Creel,  
LaMoire,

Messrs—

McCarten,  
McDougal,

Messrs—

Murphy,  
Sanborn,

Messrs. LaMoire and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which House bill No. 167 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Twichell moved

That the senate concur in house amendments to

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Fuller, Pembina  
Hanna,  
Hegge,

Messrs—

Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,  
McDougal,

Messrs—

McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Creel,

Messrs—

Dunlap,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Murphy,

Messrs. LaMoure and Murphy being excused.

So the amendments were concurred in.

Substitute for House bill No. 111,

Being a concurrent resolution to amend the constitution.

Was read the third time.

Mr. Hanna moved

The adoption of the report,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:



Messrs—

Ames,  
Creel,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Luke,  
McDougal

Messrs—

McGillivray,  
Murphy,

Messrs. LaMoure and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Arnold in the chair.

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Was read the third time.

Mr. Twichell moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays 0, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
Noble,  
Porter,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Laidlaw,  
LaMoure,

Messrs—

Luke,  
McGillivray,

Messrs—

Murphy,  
Sanborn,

Messrs. LaMoure and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. McCarten moved

That the vote by which House bill No. 176 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 20, nays 3, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,

Messrs—

Creel,  
Fuller, Pembina,  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Marshall,

Messrs—

McCanna,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Dunlap,

Messrs—

McCarten,

Messrs—

McDougal,

Absent and not voting:

Messrs—

LaMoure,  
Levang,  
Little,

Messrs—

Luke,  
Mansfield,  
McGillivray,

Messrs—

Murphy,  
Noble,

Messrs. LaMoure and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Hegge moved

That the vote by which House bill No. 25 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

Was read the third time.

Mr. Cooper moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina,  
Hanna,  
Hegge,  
Laidlaw,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Stutsman,  
LaMoure,  
Levang,

Messrs—

Little,  
Luke,  
Marshall,

Messrs—

McGillivray,  
Murphy,

Messrs. LaMoure and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which House bill No. 20 passed, be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

The senate returned to the ninth order of business.

#### INTRODUCTION OF SENATE BILLS.

Mr. Cronan, by request, introduced

Senate bill No. 181,

A bill for an act to license commission merchants and other factors.

Mr. Cronan moved

That the rules be suspended, and

Senate bill No. 181,

A bill for an act to license commission merchants and other factors.

Be given its first and second reading and reference,

Which motion prevailed.

#### FIRST AND SECOND READING OF SENATE BILLS.

Senate bill No. 181.

A bill for an act to license commission merchants and other factors.

Was read the first and second times, and

Referred to the committee on state affairs.

The president in the chair.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 175,

A bill for an act to amend section 704 of chapter 75 of the general laws of 1897, entitled an "act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 749, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786,

789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895 relating to education."

And find the same correctly engrossed.

E. F. PORTER,  
Chairman.

The committee on military affairs made the following report:  
Mr. President:

Your committee on military affairs to whom was referred  
Senate bill No. 180,

A bill providing a contingent fund for the First North Dakota volunteers.

Have had the same under consideration and recommend that the same do pass.

H. M. CREEL,  
Chairman.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 1, 1899,

Mr. President:

I have the honor to transmit herewith

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Also,

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Which the house has passed unchanged.

Also,

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Also,

Senate bill No. 68.

A bill for an act to amend section 55, chapter 126, of the session laws of 1897, relating to revenue and taxation.

The further consideration thereof has been indefinitely postponed.

Also,

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Which the house has passed with the following amendments:

In line 1, page 3 of the engrossed bill, after the word "have" insert the word "been."

In line 10, page 2, of the printed bill, after the word "of" insert "September" instead of "April."

In line 11, page 1, of the printed bill between the words "who and shall" insert "shall notify by mail such delinquent that taxes have been placed in his hands for collection, and unless same are paid within 15 days, he."

In line 26, page 2, after the word "on" insert "or before fifteenth day of December," and strike out the words "the first day of July."

In the title strike out the words "one hundred and twenty-four," and insert in lieu thereof the words "twenty-six" after the figures "1897" add the words "relating to revenue and taxation."

Also,

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

Which the house has passed and your favorable consideration thereof is respectfully requested.

I have also the honor to inform you that the house has concurred in the senate

Substitute for House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of **Minnesota for the education** of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

And has passed the substitute bill unchanged.

Also,

That the house has concurred in the senate amendments to House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

And has passed the bill as amended.

Also,

That the house has concurred in the senate amendments to House bill No. 29,

A bill for an act to provide for the giving of proper official



bonds, by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

And has passed the bill as amended.

Also,

I have the honor to transmit herewith:

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

Also,

House bill No. 180.

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Which the house has passed,

And your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Courtesies of the floor were extended to A. P. Peake and F. A. Curtis.

### SPECIAL ORDERS.

Mr. McGillivray moved

That the further consideration of

House bill No. 97,

A bill for an act to create a department of agriculture for the promotion of agriculture, stock breeding, etc., the appointment of three trustees to carry out the work of the department for the holding of a state fair at Valley City and an appropriation of money therefor.

Be indefinitely postponed.

Which motion prevailed.

House bill No. 59,

A bill for an act to amend section 722, Revised Codes, 1895, relating to the levy of taxes for school purposes.

Was read the third time.

Mr. Hanna moved

The adoption of the majority report,

Which motion prevailed.

The question being upon the final passage of the bill.

The roll was called and there were ayes 17, nays 10, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Fuller, Stutsman,  
Hanna,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Baker,  
Cashel,  
Dunlap,  
Fuller, Pembina

Messrs—

Laidlaw,  
Levang,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Noble,

Absent and not voting.

Messrs—

Hegge,  
LaMoure,

Messrs—

McDougal,

Messrs—

Murphy,

Messrs. LaMoure and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the vote by which House bill No. 59 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 1, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employees from the negligent acts of co-employees.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Hanna,	McDougal,
Baker,	Hegge,	McGillivray,
Cashel,	Laidlaw,	Noble,
Cooper,	Levang,	Porter,
Cox,	Little,	Sanborn,
Cronan,	Mansfield,	Sharpe,
Creel,	Marshall,	Slotten,
Dunlap,	McCarten,	Twichell.
Fuller, Stutsman, & L		

Absent and not voting:

Arnold,	LaMoure,	McCanna,
Fuller, Pembina	Luke,	Murphy,

Messrs. LaMoure and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Hanna moved

That the vote by which House bill No. 49 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Was read the third time.

Mr. Little moved

The report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCarten,
Baker,	Hanna,	McDougal,
Cashel,	Hegge,	McGillivray,
Cooper,	Levang,	Noble,
Cox,	Little,	Porter,
Cronan,	Luke,	Sharpe,
Creel,	Mansfield,	Slotten,
Dunlap,	Marshall,	Twichell.
Fuller, Pembina	McCanna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	Sanborn,
Laidlaw,	Murphy,	

Messrs. LaMoure and Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Which was read the third time.

Mr. McCanna moved

The adoption of the report of the committee.

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Little,

Messrs—

Murphy,  
Twichell,

Messrs. LaMoure and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Marshall moved

That the vote by which House bill No. 101 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Which was read the third time.

Mr. McCarten offered

The following amendment:

In line 33 strike out "therefore" and insert in lieu thereof "therefor."

And moved its adoption,

Which motion prevailed, and

And the amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Dunlap,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Little,

Messrs—

McDougal,  
Murphy,

Messrs. LaMoure and Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. Porter moved

That the vote by which House bill No. 172 passed, be reconsidered and the motion to reconsider be laid upon the table,

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Also,

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

Sealed message from the governor.

Mr. Little moved

That the senate go into executive session to consider the governor's message,

Which motion prevailed.



## EXECUTIVE SESSION.

In open session.

The following nominations by the governor were confirmed:

I have the honor to submit herewith, for your consideration, the names of the following persons whom I have selected to be appointed and confirmed to the various offices for which they are respectively designated:

## STATE BOARD OF AGRICULTURE.

As members of the state board of agriculture, under the provisions of section 156, Revised Codes, for a period of two years commencing on the first Tuesday in April, 1899, viz.:

First judicial district, J. M. Smith, Emerado; Second judicial district, W. D. McClintock, Rugby; Third judicial district, D. A. McLaren, Mapleton; Fourth judicial district, J. P. Williamson, Havana; Fifth judicial district, W. S. Hyde, Hannaford; Sixth judicial district, T. S. Underhill, Antelope; Seventh judicial district, Ole Axvig, Milton.

## TRUSTEES AGRICULTURAL COLLEGE.

As trustees of the agricultural college to fill vacancies, as provided by section 936 Revised Codes:

W. H. Robinson, Mayville; R. S. Lewis, Buffalo; Geo. E. Osgood, Fargo; Alex Stern, Fargo; each for a term of four years, and E. M. Warren, LaMoure, for a term of two years, each of said terms commencing on the first Tuesday in April, 1899.

## DIRECTORS STATE SCHOOL OF FORESTRY.

As directors of the state school of forestry for a term of four years, commencing on the first Tuesday of April, 1899, according to the provisions of chapter 129 of the session laws of 1897:

Lorenze D. Dana, Bottineau; Hans A. Rothgran, Willow City.

## TRUSTEES DEAF AND DUMB ASYLUM.

As trustees of the deaf and dumb asylum to fill vacancies each for the term of four years, commencing on the first Tuesday in April, 1899, according to the provisions of section 952 of the Revised Codes:

Alex McLean, Devils Lake; O. A. Boynton, Jamestown.

## SUPERINTENDENT OF PUBLIC HEALTH.

As state superintendent of public health to hold said office for

the term of two years from and after the first Tuesday in April, 1899, according to the provisions of section 40 of the Revised Codes:

Dr. H. D. Quarry, Grand Forks.

#### TRUSTEES STATE HOSPITAL FOR THE INSANE.

As trustees for the state hospital for the insane, each for a term of four years, commencing on the first Tuesday in April, 1899, according to the provisions of section 985 of the Revised Codes:

Harry Cornwall, Eldridge; Charles McLachlan, New Rockford; W. A. Murphy, Neche.

#### TRUSTEES MAYVILLE NORMAL SCHOOL.

As trustees of the state normal school at Mayville, each for the term of four years, commencing on the first Tuesday of April, 1899, according to the provisions of section 909 of the Revised Codes.

B. S. Russell, Jamestown; E. Y. Sarles, Hillsboro; Henry Richter, Everest.

#### TRUSTEES VALLEY CITY NORMAL SCHOOL.

As trustees of the state normal school at Valley City, each for a term of four years, commencing on the first Tuesday of April, 1899, according to the provisions of section 909 of the Revised Codes:

O. T. Sherping, Enderlin; J. Henry Plath, Jr., Davenport.

#### TRUSTEES STATE PENITENTIARY.

As trustees of the state penitentiary, according to the provisions of chapter 106 of the session laws of 1897:

J. D. Moulder, Fargo; R. J. Turner, Gladstone, each for a term of four years, and Geo. William Stevenson, Mandan, for a term of two years, each of said terms to begin on the first Tuesday of April, 1899.

#### TRUSTEES STATE REFORM SCHOOL.

As trustees of the state reform school, according to the provisions of chapter 106 of the session laws of 1897:

Henry Gilbert, Billings; C. A. Kenney, Mandan, each for a term of four years, and . . . . ., for a term of two years, each of said terms to begin on the first Tuesday in April, 1899:

#### TRUSTEES SOLDIERS' HOME.

As trustees of the soldiers' home, under the provisions of chapter 132 of the session laws of 1897:

Harris Gardner, Lisbon, for a term of five years from and after March 3rd, 1899; John D. Black, Valley City, for a term of four years from and after March 3rd, 1900.

#### TRUSTEES UNIVERSITY OF NORTH DAKOTA.

As trustees of the university of North Dakota, each for a term of four years, commencing on the first Tuesday in April, 1899, according to the provisions of section 876 of the Revised Codes:

William Budge, Grand Forks; David Bartlett, Cooperstown.

#### STATE OIL INSPECTOR.

As state oil inspector for a term of two years, commencing on the first Tuesday in April, 1899, according to the provisions of section 1759 of the Revised Codes:

P. B. Wickham, Mandan.

#### STATE EXAMINER.

As state examiner for a term of two years, from and after March 11th, 1899, according to the provisions of section 136 of the Revised Codes:

Hilmar A. Langlie, Hillsboro.

#### STATE SUPERINTENDENT OF IRRIGATION AND FORESTRY.

As state superintendent of irrigation and forestry for a term of two years from and after March 1st, 1899, according to the provisions of chapter 76 of the session laws of 1891:

W. W. Barrett, Churches Ferry.

#### DISTRICT VETERINARIANS.

As district veterinarians, each for a term of two years, from and after March 5th, 1899, according to the provisions of chapter 146 of the Revised Codes:

District No. 2, W. F. Crewe, Devils Lake; District No. 3, T. D. Hinebaugh, Tower City; District No. 4, S. W. Teal, Oakes; District No. 5, C. N. Ferrier, Jamestown; District No. 6, Wm. Mackin, Mandan; District No. 7, A. F. Elliott, Milton; District No. 8, R. H. Treacy, Steele; District No. 9, F. W. Tompkins, Oberon.

I have the honor to be

Very respectfully,

F. B. FANCHER,

Governor.

## THIRD READING OF SENATE BILLS.

Senate bill No. 180,

A bill providing a contingent fund for the First North Dakota volunteers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were, ayes 22; nays none; absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina,

Messrs—

Hegge,  
Laidlaw,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Dunlap,  
Fuller, Stutsman,

Messrs—

Hanna,  
LaMoure,  
Levang,

Messrs—

McDougal  
Murphy,  
Noble,

Messrs. LaMoure and Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Cronan moved

That the rules be suspended and house bills be given their first and second reading and reference.

Which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Was read the first and second times, and  
Referred to the committee on stock.

Also,

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

Was read the first and second times, and  
Referred to the committee on education.

Also,

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Was read the first and second times, and

Referred to the committee on railroads.

Also,

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

Was read the first and second times, and

Referred to the committee on ways and means.

Mr. Marshall moved

That the railroad committee to whom was referred

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Report tomorrow,

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

Also,

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

Were delivered to his excellency, the governor, for his approval at the hour of 5 o'clock p. m., March 1, 1899.

E. F. PORTER,  
Chairman.



## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 1, 1899.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

Senate bill No. 3,

A bill for an act to repeal section 395, Revised Codes of North Dakota, as amended by chapter 138, laws of North Dakota for the year 1897, relating to the salary of supreme court reporter and providing a compensation for the supreme court reporter.

Also,

Senate bill No. 8.

A bill for an act to provide an appropriation for the current and contingent expenses, and to provide for new buildings and for making needed permanent improvements for the hospital for the insane at Jamestown.

Also,

Senate bill No. 18,

For an act entitled an act making appropriations for the current and contingent expenses of the state penitentiary and for making permanent improvements and additions thereto.

Also,

Senate bill No. 26,

A bill for an act to provide for paying the expense incurred by the North Dakota commission in making an exhibit on behalf of the state at the Trans-Mississippi and International Exposition held at Omaha in the state of Nebraska in 1898, to refund money advanced by certain persons for the purpose of making said exhibit, and to appropriate money therefor.

Also,

Senate bill No. 30,

A bill for an act to provide for the maintenance of the deaf and dumb asylum of North Dakota, located at Devils Lake, and for necessary improvement and repairs, and making and appropriation therefor.

Also,

Senate bill No. 31,

A bill for an act providing for an appropriation for the mainten

ance and improvement of the state normal school at Valley City, North Dakota.

Also,

Senate bill No. 38,

A bill for an act providing for an appropriation for the maintenance and improvement of the state normal school at Mayville, North Dakota.

Also,

Senate bill No. 42,

A bill for an act providing for an appropriation for the erection of additional buildings and for the payment of the contingent expenses of the North Dakota Agricultural College and Experimental Station, located at Fargo, North Dakota.

Also,

Senate bill, No. 52,

A bill for an act to appropriate for current and contingent expenses, furnishing, and for making needed permanent improvements for the State Soldiers Home at Lisbon.

Also,

Senate bill, No. 55,

A bill for an act making an appropriation for repairing and furnishing the executive mansion.

Also,

Senate bill, No. 56,

A bill for an act making appropriation for a deficit in the miscellaneous expenses incurred in the maintenance of the University of North Dakota.

Also,

Senate bill No. 69.

A bill for an act to amend section 237 of article 4, of chapter 4, of the Political Code.

Also,

Senate bill No. 130,

A bill for an act making an annual appropriation for the maintenance of the state university.

Also,

Senate bill No. 133,

A bill for an act to provide for the maintenance of the industrial school and school for manual training of North Dakota, located at Ellendale, and for necessary improvements and making an appropriation therefor.

Also.

Senate bill No. 19,

A bill for an act to amend sections "1" and "6" of chapter "41" of the laws of 1897, of the state of North Dakota, entitled "an act authorizing cities to pave and otherwise improve streets, alleys and highways and to provide for the cost thereof, and to create improvement districts within the limits of such cities."

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,

Governor.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 1, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Also,

House bill No. 119,

A bill for an act to amend section 308 of the civil codes of the laws of 1895.

Also,

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Also,

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Also,

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Also,

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the

state of North Dakota relating to when station house to be maintained.

Also,

Substitute for House bill No. 90,

A bill for an act to repeal Sec. 30 of the Revised Codes of 1895, of the state of North Dakota, relative to assistant legislative clerks and employes.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

That the rules be suspended and House bills be given their first and second reading and reference,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 1, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

#### FIRST AND SECOND READING OF HOUSE BILLS.

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, books, and other stationery for the use of county officers.

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 211,

A bill for an act to provide for persons holding lands, the right

to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Was read the first and second times, and

Referred to the committee on irrigation.

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897, relating to revenue and taxation,

Was read the first and second times, and

Referred to the committee on ways and means.

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Was read the first and second times, and

Referred to the committee on public health.

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota, relating to when station house to be maintained.

Was read the first and second times, and

Referred to the committee on railroads.

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Was read the first and second times, and

Referred to committee on public printing.

Also,

Substitute for House bill No. 90,

A bill for an act to repeal Sec. 30 of the Revised Codes of 1895, of the state of North Dakota, relative to assistant legislative clerks and employes.

Was read the first and second times, and

Referred to the committee on judiciary.

The secretary announced

That the president was about to sign

Senate bill No. 144,

A bill for an act fixing the times and places of holding gen-



eral and special terms of the supreme court of the state of North Dakota, and providing for the expenses incident thereto.

Also,

Senate bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court, on the ground of prejudice of the trial judge.

#### MESSAGE FROM THE GOVERNOR.

EXECUTIVE CHAMBER,

March 1, 1899.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state.

Senate Bill No. 90,

A bill for an act providing for the calling in of the judge of another district for the trial of civil actions in the district court on the ground of prejudice of the trial judge.

Also,

Senate bill No. 144,

A bill for an act fixing the times and places of holding general and special terms of the supreme court of the state of North Dakota and providing for the expenses incident thereto.

I have the honor to be,

Very respectfully,

F. B. FANCHER,

Governor.

The senate took a recess of 15 minutes.

Senate reconvened.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 1, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

And your favorable consideration thereof is requested.

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

The rules be suspended and house bills be read the first and second times,

Which motion prevailed

#### FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

Was read the first and second times, and

Referred to the committee on public health.

The secretary announced that the president was about to sign House bill No. 135,

A bill for an act providing for the manner of the disposition of lands acquired by the state or the several counties of the state under the provisions of chapter 67, laws of 1897.

Also,

House bill No. 29,

A bill for an act to provide for the giving of proper official bonds by county treasurers, and to provide for the payment of the expense incurred in procuring the same.

Also,

Substitute for House bill No. 35,

A bill for an act to amend section 970 of the Revised Codes of North Dakota, relating to the compensation and meetings of the board of trustees of the North Dakota blind asylum, and empowering the governor to contract with the state of South Dakota or the state of Minnesota for the education of blind children of school age until such time as the state of North Dakota shall have suitable facilities of its own for this purpose.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 1, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 7.

A bill for an act to amend section 2737 of the Revised Codes.

Also,

House bill No. 206,

A bill for an act to amend section 4737 of the Revised Codes, 1895, relating to chattel mortgages and their renewal.

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Which the house has passed, and your favorable consideration thereof is requested.

Also,

I have the honor to transmit herew th:

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota, relating to residents entitled to education free.

Which has passed the house and your favorable consideration thereof is respectfully requested.

Very respectfully yours

J. G. HAMILTON,

Chief Clerk.

Mr. McCarten moved

That the rules be suspended and house bills be given their first and second reading and reference,

Which motion prevailed.

House bill No. 206,

A bill for an act to amend section 4737 of the Revised Codes, 1895, relating to chattel mortgages and their renewal.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota, relating to water works and fire apparatus in cities, towns and villages.

Was read the first and second times, and

Referred to the committee on judiciary.

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Was read the first and second times, and

Referred to the committee on judiciary.

Also,

House bill No. 95,

A bill for an act to amend section 960 of the Revised Codes of North Dakota relating to residents entitled to education free.

Was read the first and second times, and

Referred to the committee on education.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 1, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Which the house has passed and your favorable concurrence therein is respectfully requested.

Respectfully,

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

That the rules be suspended and House bills be read the first and second times and given their reference,

Which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 145,

A bill to provide for the compensation of the state oil inspector and his deputies, and to define the duties thereof.

Was read the first and second times, and

Referred to the committee on judiciary.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 180,

Concurrent resolution providing a contingent fund for the first North Dakota volunteers.

And find the same correctly engrossed.

Also,

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Also,

Senate bill No. 41,

A bill for an act to amend sections 60 and 21 of chapter 176 of the Session Laws of 1897.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

Senate took a recess for fifteen minutes.

Senate reconvened.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 1, 1899

Mr. President:

I have the honor to transmit herewith  
House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Which has passed the house and your favorable consideration thereof is requested.

Very respectfully yours,  
J. G. HAMILTON,  
Chief Clerk.

Mr. Little moved

That the rules be suspended and house bills be given their first and second reading and reference.

Which motion prevailed.

#### FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Was read the first and second times, and

Referred to the committee on state affairs.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
March 1, 1899.

Mr. President:

I have the honor to transmit herewith



House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Which has passed the house, and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

That the rules be suspended and house bills be given their first and second reading and reference,

Which motion prevailed.

# FIRST AND SECOND READING OF HOUSE BILLS.

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Was read the first and second times, and

Referred to the committee on agriculture.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 1, 1899.

Mr. President:

I have the honor to transmit herewith

House bill 169,

A bill for an act entitled "an act making real estate mortgage forms uniform.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

That the rules be suspended and House bills be given their first and second reading and reference,

Which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 169,

A bill for an act entitled "an act making real estate mortgage forms uniform.

Was read the first and second times, and

Referred to the committee on judiciary.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 1, 1899.

Mr. President:

I have the honor to transmit herewith

Substitute for House bills Nos. 89 and 98,

A bill for an act relating to the salary of clerk of district court.

Which the house has passed and your favorable consideration thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

That house bills be given their first and second reading and reference

Which motion prevailed.

## FIRST AND SECOND READING OF HOUSE BILLS.

Substitute for House Bills Nos. 89 and 98, relating to the salary of clerk of district court.

Was read the first and second times, and

Referred to the committee on judiciary.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

Mr. President:

I have the honor to transmit herewith:

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897, providing for special tax for payment of wolf bounties.

Which the house has passed and your favorable consideration thereof is requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Little moved

That the rules be suspended and house bills be read the first and second times and given their reference,  
Which motion prevailed.

### FIRST AND SECOND READING OF HOUSE BILLS.

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties

Was read the first and second times, and  
Referred to the committee on judiciary.

The committee on enrolled and engrossed bills submitted the following report:

Mr. President:

Your committee on enrolled and engrossed bills respectfully report that

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trials.

Also,

Senate bill No. 41,

A bill for an act amending sections 60 and 21 of chapter 176 of the Session Laws of 1897.

Were delivered to his excellency, the governor, for his approval at the hour of 5:30 o'clock p. m. March 1, 1899.

E. F. PORTER,

Chairman.

The secretary announced that the president was about to sign House bill No. 20,

A bill for an act to amend section 1495 of the Revised Codes of the state of North Dakota, relating to the time of holding an election for the purchase of an asylum for the poor, and providing for the appointment of a superintendent for such asylum.

### THIRD READING OF HOUSE BILLS.

Substitute for House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes of the state of North Dakota, providing for the salary of register of deeds.

Was read the third time.

Mr. Marshall offered the following amendments:

Amend title by adding thereto the words: "And to repeal section 2077 of said revised codes."

After the words "section 1" insert "That section 2075 of the Revised Codes of the state of North Dakota be and the same is hereby amended to read as follows:

Section 2075. In line 1 of section 2 strike out "sections 2075 and" and insert in lieu thereof the word "section."

Also by striking out all of section 3.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 18; nays none, absent and not voting 13.

Those voting in the affirmative were:

Messrs—

Ames,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Little,  
Marshall,  
McDougal,

Messrs—

McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting.

Messrs—

Arnold,  
Baker,  
Cashel,  
Dunlap,  
Laidlaw,

Messrs—

LaMoure,  
Levang,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
Murphy,  
Noble,

Messrs. LaMoure and Murphy being excused.

So the bill as amended passed and the title as amended was agreed to.

Mr. Marshall moved

That the vote by which House bill No. 88 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

Mr. Little moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## FIFTY-NINTH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 2, 1899.

The senate met at 2 o'clock p. m. pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present, except Mr. Murphy, who was excused.

Mr. Luke moved

That the reading of the Journal be dispensed with and the president appoint a committee to correct and revise the same.

Which motion prevailed.

The president appointed Messrs. McCarten, Ames and Dunlap a committee to correct and revise the Journal of the fifty-eighth day.

The following communication was received from Mrs. Briggs:

To the Members of the Senate:

Mrs. Briggs wishes to acknowledge, with sincere appreciation and deep gratitude, the beautiful flowers and the many kindnesses she received from the legislative body at the memorial service of her late husband, Frank A Briggs.

MRS. NANNIE R. BRIGGS.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 2, 1899.

Mr. President:

I have the honor to inform the senate that the house has re-



fused to concur in the senate amendments to

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

And has appointed as a conference committee to confer with a like committee from the senate Messrs. Hale, McHarg and Tousley.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Hegge moved

That the president appoint a conference committee to meet with a like committee appointed by the house to confer on senate amendments to

House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Which motion prevailed.

The president appointed as such committee Messrs. Hegge, Twichell and Laidlaw.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 2, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Which the house has passed and your favorable concurrence thereof is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

#### REPORTS OF STANDING COMMITTEES.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Have had the same under consideration and recommend that the same do pass.

Also,

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 4, printed bill, after the word "state" insert the words "on the same grade."

And when so amended recommend that the same do pass.

JUDSON LAMOURE,

Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred

House bill No. 55,

A bill for an act to amend section 2985 of the civil code of the state of North Dakota relating to when station house to be maintained.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JUDSON LAMOURE,

Chairman.

Mr. Marshall moved

That the report be adopted.  
Which motion prevailed, and  
The report was adopted.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred  
House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Have had the same under consideration and recommend that the same do pass.

WESLEY BAKER,  
Chairman.

The committee on public printing made the following report:

Mr. President:

Your committee on public printing to whom was referred  
House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Have had the same under consideration and recommend that the same do pass.

A. C. MCGILLIVRAY,  
Chairman.

The committee on stock made the following report:

Mr. President:

Your committee on stock to whom was referred  
Senate bill No. 177,

A bill for an act to prevent horses, cattle, sheep, swine and other domestic animals from trespassing upon the lands of another.

Have had the same under consideration and recommend that the same be indefinitely postponed.

WESLEY BAKER,  
Chairman.

Mr. Baker moved  
That the report be adopted,  
Which motion prevailed, and  
The report was adopted.

The committee on cities and municipalities made the following report:

Mr. President:

Your committee on cities and municipalities to whom was referred

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Have had the same under consideration and recommend that the same do pass.

D. W. LUKE,

Chairman.

The committee on education made the following report:

Mr. President:

Your committee on education to whom was referred

House bill No. 196,

A bill for an act to amend section 803 of the Revised Codes of the state of North Dakota relating to education.

Have had the same under consideration and recommend that the same be indefinitely postponed.

L. B. HANNA,

Chairman.

Mr. Hanna moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house.

HOUSE OF REPRESENTATIVES,

March 2, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Which the house has passed with the following amendments and your concurrence therein is requested.

By striking out after the word "the" in the last line of page 1, of the engrossed Senate bill, the words "facts concerning such incorporation, giving the names of its incorporators, also the names and addresses of the directors, if the same is given in the articles of incorporations," and insert in lieu thereof the words "fact that articles of incorporation have been filed, giving the date of such filing."

Also,

I have the honor to transmit herewith

Senate bill No. 72,

A bill for an act to define and limit the officers before whom

the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Which the house has passed with the following amendments and your concurrence therein is respectfully requested.

That the title to said act be amended to read as follows:

"A bill for an act to define and limit the officers before whom affidavits and the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments and officers taking the proof or acknowledgment of the same, and of affidavits."

"After the word "instrument," line 2, section 1, of the printed bill, insert the words "or affidavit."

After the word "acknowledgment," line 3, section 1, of the printed bill, insert the words "or affidavit."

Before the word "shall," line 3, section 2, of the printed bill, insert the words "and taking of affidavits."

After the word "acknowledgment," line 3, section 2, of the printed bill, insert the words "or affidavit."

After the word "acknowledged," line 5, section 2, insert the words "or sworn to."

Before the word "and," line 9, section 2, insert the words "or affidavits."

After the word "acknowledgments," line 11, section 3, insert the words "and affidavits."

After the word "instruments," line 2, section 3, insert the words "and affidavits."

After the word "thereof," line 4, section 4, insert the words "and affidavits."

Also,

I have the honor to transmit herewith

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Which the house has passed with the following amendment:

After the word "office," at the end of line 87, of the printed bill, add the following: "Provided, that special school districts, independent districts, and districts organized for school purposes under special laws, shall enumerate their children of school age on the first day of December, or within the next twenty days following, and such enumeration shall be reported to the county superintendent by the clerk."

And your concurrence therein is respectfully requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.



## MESSAGE FROM THE GOVERNOR.

The following message was received from the governor:

EXECUTIVE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 2, 1899.

To the Senate:

Gentlemen: I have the honor to inform you that I have this day approved and filed with the honorable secretary of state

Senate bill No. 41,

A bill for an act amending sections sixty and seventy-one of chapter one hundred and twenty-four of the session laws of 1897.

Also,

Senate bill No. 47,

A bill for an act to amend section 5422 of the Revised Codes, relating to note of issue, notice of trial and order of trial.

I have the honor to be,

Very respectfully yours,

F. B. FANCHER,  
Governor.

## REPORT OF SELECT COMMITTEE.

Mr. President:

Your committee appointed to correct the Journal of the fifty-seventh day report the following corrections:

On page 5, fifth line from bottom of the page, strike out "W. W. Glasgow" and insert in lieu thereof "R. C. Sanborn."

On page 7, insert as seventeenth line the following: "Have had] the same under consideration and recommend that the same do pass."

And when so corrected recommend that the Journal of the fifty-seventh day be approved.

T. TWICHELL,  
Chairman.

Mr. Twichell moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Hanna moved

That the senate concur in House amendments to

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and

sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina	McCarten,
Arnold,	Fuller, Stutsman,	McDougal,
Baker,	Hanna,	Noble,
Cashel,	Hegge,	Porter,
Cooper,	Laidlaw,	Sanborn,
Cox,	LaMoure,	Sharpe,
Cronan,	Mansfield,	Slotten,
Creel,	Marshall,	Twichell.
Dunlap,	McCanna,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Levang,	Luke,	Murphy,
Little,	McGillivray,	

Mr. Murphy being excused.

So the house amendments were concurred in.

Mr. Ames moved

That the senate concur in house amendments to

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

The roll was called and there were ayes 29; nays none; absent and not voting 2.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina,	McCanna,
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	McDougal,
Cashel,	Laidlaw,	Noble,
Cooper,	LaMoure,	Porter,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.
Fuller, Stutsman,	Marshall,	

Absent and not voting, Messrs. McGillivray and Murphy.

Mr. Murphy being excused.

So the house amendments were concurred in.

Mr. Sanborn moved

That the senate concur in house amendments to

Senate bill No. 72,

A bill for an act to define and limit the officers before whom

the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

**Messrs—**

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

**Messrs—**

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

**Messrs—**

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

**Messrs—**

Hegge,  
Laidlaw,

**Messrs—**

LaMoure,  
Murphy,

**Messrs—**

Porter,  
Twichell.

r. Murphy being excused.

So the house amendments were concurred in.

Mr. Porter moved

That the instructions given to the railroad committee in regard to House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Be expunged from the records,

Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Senate bill No. 157.

A bill for an act to amend section 872 of the Revised Codes of North Dakota and permitting the state high school board to prescribe military instruction as a part of the curriculum of the high schools of the state of North Dakota.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell,

Absent and not voting:

Messrs—

Ames,  
Hegge,

Messrs—

Laidlaw,  
LaMoure,

Messrs—

Murphy,  
Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Luke moved

That the vote by which Senate bill No. 157 passed be reconsidered, and the motion to reconsider be laid upon the table,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 2, 1899

Mr. President:

I have the honor to transmit herewith:

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Which the house has passed unchanged.

Very respectfully yours.

J. G. HAMILTON,

Chief Clerk.

The secretary announced that the president was about to sign House bill No. 112,

Concurrent resolution submitting an amendment to the constitution of the state of North Dakota.

Also,

House bill No. 101,

A bill for an act authorizing board of county commissioners to offer reward for the apprehension and conviction of certain criminals.

Also,

House bill No. 167,

A bill for an act to amend chapter 87 of the laws of 1897 being "an act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same."

Also,

Substitute for house bill No. 59,

A bill for an act to amend sections 710, 711, 713, 715, 716, 719, and 722, Revised Codes, relating to education, and providing for the apportionment of the special tuition fund by the county superintendent of schools and the payment thereof by the county treasurer to school district treasurers.

Also,

House bill No. 176,

A bill for an act to provide for the payment of expenses incurred in litigation arising for the enforcement of orders of the board of commissioners of railroads or other litigation in charge of the attorney general.

Also,

House bill No. 36,

A bill for an act to amend sections 3229 and 3230 of the Revised Codes of North Dakota, relating to the powers of banking corporations organized under the laws of the state of North Dakota.

Also,

House bill No. 195,

A bill for an act to amend section 1 of chapter 131 of the session laws of 1897, relating to funding the outstanding indebtedness of the soldiers' home at Lisbon, North Dakota, and providing funds for the permanent improvement of said home.

Also,

House bill No. 172,

A bill for an act to provide for the destruction of grasshoppers and Rocky Mountain locusts.

Also,

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

Also,

Substitute for House bill No. 111,

Being a concurrent resolution to amend the constitution.



Also,

House bill No. 134,

A bill for an act to amend section 1609 of the Revised Codes of North Dakota relating to appointment of sheep inspectors.

### SPECIAL ORDER.

Consideration of the report of the committee on the investigation as to whether Mr. Worst drew two salaries at the same time.

Mr. Sharpe moved

The adoption of the report of the committee,

Roll call demanded.

The roll was called and there were ayes 21, nays 7, absent and not voting 3.

Those voting in the affirmative were:

**Messrs—**

Ames,  
Baker,  
Cooper,  
Cox,  
Cronan,  
Fuller, Stutsman,  
Hanna,

**Messrs—**

Hegge,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,  
McDougal,

**Messrs—**

McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

**Messrs—**

Arnold,  
Creel,  
Dunlap,

**Messrs—**

Fuller, Pembina  
Laidlaw,

**Messrs—**

LaMoire,  
Levang,

Absent and not voting:

**Messrs—**

Cashel,

**Messrs—**

Little,

**Messrs—**

Murphy,

So the motion prevailed, and

The report of the committee was adopted,

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 1, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits

and enacting other provisions relating thereto and providing penalties for violations thereof.

Which the house has passed, with amendments. The amendments are attached to the bill, and your concurrence therein is respectfully requested.

Very respectfully yours.

J. G. HAMILTON,

Chief Clerk.

### THIRD READING OF SENATE BILLS.

Senate bill No. 175,

A bill for an act to amend section 704 of chapter 75 of the general laws of 1897, entitled an "act to amend sections 625, 628, 636, 641, 642, 646, 649, 651, 652, 667, 671, 676, 683, 689, 701 704, 707, 714, 717, 718, 727, 731, 732, 737, 738, 740, 741, 742, 743, 748, 749, 751, 757, 761, 775, 777, 780, 785, 786, 789, 790, 797, 816, 824, 832, 842, 865 of the Revised Codes of 1895 relating to education."

Was read the third time.

Mr. Cashel moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 20, nays none, absent and not voting 11.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Mansfield,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Slotten,

Absent and not voting:

Messrs—

Cronan,  
Fuller, Stutsman,  
LaMoure,  
Little,

Messrs—

Luke,  
Marshall,  
Hanna,  
McGillivray,

Messrs—

Murphy,  
Sharpe,  
Twichell.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

Mr. LaMoure in the chair.

## THIRD READING OF HOUSE BILLS.

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

McCarten,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cronan,  
Hegge,  
Laidlaw,

Messrs—

Marshall,  
McCapna,  
McDougal,

Messrs—

McGillivray,  
Murphy,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

## CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the Senate Concurring:

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed \$100,000 in the aggregate, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before January 1, 1901. The existing conditions are such that the collection of taxes from the counties from now until January 1, 1900, may not be sufficient to meet expenses; therefore, this loan is necessary to protect the credit of the state and of the state institutions.

Was read the third time.

Mr. Arnold moved

The adoption of the report of the committee.

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCarten,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Arnold,  
Cronan,  
Hegge,

Messrs—

Laidlaw,  
McCanna,  
McDougal,

Messrs—

McGillivray,  
Murphy,  
Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 2, 1899.

Mr. President:

I have the honor to transmit herewith:

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Which the house has passed with the following amendments, and your concurrence therein is respectfully requested:

By adding to the title, after the words "North Dakota," and to repeal section 1539 of said codes; also to relieve the registers of deeds any duty in regard to registering marks and brands."

Also, by adding section 2: "Sec. 2. Section 1539 of the Revised Codes of 1895, is hereby repealed."

Also, by adding section 3: "Sec. 3. After this act shall take effect, the register of deeds of the several counties shall not be required to make any record of or perform any duty in regard to marks and brands."

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

### THIRD READING OF HOUSE BILLS.

Substitute for House bill 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays 1, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Little,

Messrs—

McGillivray,

Messrs—

Murphy,

Mr. Murphy was excused.

Mr. Baker voting in the negative.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 2, 1899.

Mr. President:

I have the honor to transmit herewith  
Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Which the house has passed with the following amendments and your concurrence therein is respectfully requested.

In line 6, of printed bill after the word "said" add the following: "Township or county as provided for in case bond and arrest notice of the giving of such security must be given the person holding such stock, at least one day before the approval of such security with the day and hour when such security will be submitted, such justice for approval, when such security is approved as herein provided, said justice shall issue an order directly to the person holding such stock to forthwith deliver such stock to the party entitled thereto, and the official receiving such order shall take such stock and deliver the same to the person entitled thereto. The costs may be charged as part of the cost in the action to determine the rights of the parties regarding such stock."

Very respectfully yours,  
J. G. HAMILTON,  
Chief Clerk.



Mr. Noble moved

That the senate concur in the house amendments to  
Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

The roll was called and there were ayes 29, nays none, absent and not voting 2.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Mr. Murphy being excused

Absent and not voting, Messrs. McGillivray and Murphy.

So the house amendments were concurred in.

Mr. Hanna moved

That the senate do not concur in the house amendments to  
Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

And that the senate appoint a conference committee to confer with a like committee from the house on

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Which motion prevailed.

The president appointed as such committee Messrs. Hanna, Porter and Cox.

Substitute for house bill No. 119,

A bill for an act to amend sections 1906 and 1925 of the Revised Codes of North Dakota relating to the powers of the board of county commissioners in the furnishing of blanks, books, and other stationery for the use of county officers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Fuller, Pembina,  
Fuller, Stutsman,

Messrs—

Hanna  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Creel,  
Luke,

Messrs—

Murphy,

Messrs—

Porter,

Mr. Murphy being excused.

Mr. Dunlap voting in the negative.

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 2, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Which the house has passed under suspension of the rules and your favorable consideration thereof is respectfully requested,

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Marshall moved

The senate concur in house amendments to

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26; nays none; absent and not voting 5.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Ames,	Hanna,	McCarten,
Baker,	Hegge,	McDougal
Cashel,	Laidlaw,	McGillivray,
Cooper,	Levage,	Noble,
Cox,	Little,	Sanborn,
Cronan,	Luke,	Sharpe,
Dunlap,	Mansfield,	Slotten,
Fuller, Pembina,	Marshall,	Twichell.
Fuller, Stutsman,	McCanna,	

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Arnold,	LaMoure,	Porter,
Creel,	Murphy,	

Mr. Murphy being excused.

So the house amendments were concurred in.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 2, 1899.

Mr. President:

I have the honor to transmit herewith:

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Which the house has amended as follows:

Title to read as follows: "A bill for an act to amend section 404 of the Revised Codes of the state of North Dakota, relating to boundaries of the Second judicial district and fixing the terms of court therein and repealing an act approved February 24, 1899, amending section 404 of the Revised Codes."

Amend section 2 as follows: "In line 1, section 2, strike out all after figure "2" and insert in lieu thereof as follows: "The act approved February 24th, 1899, amending section 404 of the Revised Codes, is hereby expressly repealed."

Add section 3 as follows: "Sec. 3. All acts and parts of acts in conflict with the foregoing act are hereby repealed."

And your concurrence therein is requested.

Very respectfully yours,  
J. G. HAMILTON,  
Chief Clerk.

Mr. Noble moved

That the senate concur in the house amendments to Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the

Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cooper,  
Cox,  
Cronan,  
Fuller, Pembina  
Fuller, Stutsman,  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cashel,  
Creel,

Messrs—

Dunlap,  
Luke,

Messrs—

Murphy,

Mr. Murphy being excused.

So the house amendments were concurred in.

Mr. McGillivray moved

That the senate, under special orders, take up  
Senate bill No. 170,

A bill for an act to establish a board of inspection for steam  
boilers.

Which motion prevailed.

### SPECIAL ORDERS.

Mr. LaMoure moved

That joint rules No. 10 be suspended for the transmitting of  
two bills,

Which motion prevailed.

Senate bill No. 170,

A bill for an act to establish a board of inspection for steam  
boilers.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 17, nays 12; absent  
and not voting 2.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cox,  
Croan,  
Creel,

Messrs—

Fuller, Pembina,  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,

Messrs—

Little,  
Marshall,  
McDougal,  
McGillivray,  
Noble,

Those voting in the negative were:

Messrs—

Ames,  
Cooper,  
Dunlap,  
Levang,

Messrs—

Luke,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

Porter,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting: Messrs. Murphy and Sharpe.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

The committee on railroads made the following report:

Mr. President:

Your committee on railroads to whom was referred  
House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Have had the same under consideration and recommend that the same be amended as follows:

Section 1, line 2, of the printed bill, after the word "thereof" insert the following: "While engaged in switching, or in the operation of trains."

Also, add to line 6, the following: "In actions brought under the provisions of this act, if the jury find for the plaintiff they shall specify in their verdict the name or names of the employe or employes guilty of the negligent act complained of."

And when so amended recommend that the same do pass.

JUDSON LAMOURE,  
Chairman.

Mr. LaMoure moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

House bill No. 53,

A bill for an act "an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats."

Was read the third time.

Mr. Twichell moved

The report of the committee be adopted,



Which motion prevailed, and  
The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 19, nays 3, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Hanna,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Fuller, Stutsman,

Messrs—

Laidlaw,

Messrs—

Luke,

Absent and not voting:

Messrs—

Arnold,  
Cox,  
Dunlap,

Messrs—

Hegge,  
LaMoire,  
Murphy,

Messrs—

Noble,  
Porter,  
Sanborn,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

The president in the chair.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 2, 1899.

Mr. President:

I have the honor to transmit herewith  
Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Also,

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Also,

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

All of which has passed the house unchanged.

Very respectfully yours,

J. G. HAMILTON.

Chief Clerk.

### THIRD READING OF HOUSE BILLS.

Substitute for House bills Nos. 89 and 98,

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same, and to repeal sections 2061 to 2069, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the political codes therein.

Was read the third time.

Mr. McGillivray moved

The adoption of the report of the committee,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23; nays none, absent and not voting 8.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Creel,  
Dunlap,

Messrs—

Levang,  
McCanna,  
Murphy,

Messrs—

Noble,  
Sharpe,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Was read the third time.

Mr. Marshall moved

That the report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina	Mansfield,
Arnold,	Fuller, Stutsman,	Marshall,
Cashel,	Hanna,	McDougal,
Cooper,	Hegge,	Porter,
Cox,	Laidlaw,	Sanborn,
Cronan,	Levang,	Sharpe,
Creel,	Little,	Slotten,
Dunlap,	Luke,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	McCarten,	Murphy,
LaMoire,	McGillivray,	Noble,
McCanna,		

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the senate go into executive session,  
Which motion prevailed.

In executive session.

### IN OPEN SESSION.

The following nominations of the governor were confirmed:

I would respectfully ask the consent of the senate to withdraw the following names of persons sent to your honorable body of the 1st inst., for confirmation:

Ed Davidson of Grand Forks, as veterinarian for the first veterinary district; and H. C. Walker of Stanton, as trustee of the state reform school; and to substitute in lieu thereof the following names of persons:

J. B. Campbell of Larimore, to be district veterinarian for the first veterinary district, for a term of two years from and after March 6th, 1899, according to the provisions of chapter 148 of the Revised Codes; A. P. Folsom of Dickinson, to be trustee of the state reform school, for a term of two years beginning on the first Tuesday in April, 1899, according to the provisions of chapter 106 of the session laws of 1897.

Mr. Little moved

That the rules be suspended, and

All house bills be messaged to the house forthwith

As acted upon by the senate.

Which motion prevailed,

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina,	Marshall,
Baker,	Hanna,	McCarten,
Cashel,	Hegge,	McDougal
Cooper,	Laidlaw,	Noble,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Dunlap,	Mansfield,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McCanna,	Porter,
Fuller, Stutsman,	McGillivray,	Twichell.
LaMoure,	Murphy,	

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Hanna,	McCarten,
Baker,	Hegge,	McDougal.
Cashel,	Laidlaw,	Noble,
Cooper,	Levang,	Porter,
Cox,	Little,	Sanborn,
Cronan,	Luke,	Sharpe,
Creel,	Mansfield,	Slotten,
Dunlap,	Marshall,	Twichell.
Fuller, Pembina,		

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

LaMoore,  
McCanna,

Messrs—

McGillivray,  
Murphy,

Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Little in the chair.

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,  
McCarten,  
McDougal,  
McGillivray,

Messrs—

Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Cashel,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
LaMoore,  
Luke,

Messrs—

Marshall,  
McCanna,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 8,

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to hens for sires.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 2, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Little,

Messrs—

McGillivray,  
Noble,  
Porter,  
Sanborn,



Messrs—

Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Mansfield,  
Marshall,  
McCarten,  
McDougal,

Messrs—

Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Luke,

Messrs—

McCanna,  
Murphy,

Mr. Murphy being excused.

Messrs. Dunlap and Levang voting in the negative.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 2, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Also,

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Which have passed the house unchanged.

Also,

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Which the house has amended:

By striking out the word "five" in line "three" and inserting the word "eight."

And has passed the bill as amended.

Your concurrence therein is respectfully requested.

Very respectfully yours

J. G. HAMILTON,

Chief Clerk.

Mr. Porter moved

That the senate concur in house amenent to

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

The roll was called and there were ayes 22, nays 3, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Creel,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Mansfield,  
Marshall,  
McCarten,

Messrs—

McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Cox,

Messrs—

Cronan,

Messrs—

Levang,

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

Luke,  
McCanna,

Messrs—

McGillivray,  
Murphy,

Mr. Murphy being excused.

So the house amendments were concurred in.

House bill No. 31,

A bill for an act to promote immigration.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Fuller, Stutsman.

Messrs—

McCanna,  
McGillivray,

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina

Messrs—

Hanna,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCarten,

Messrs—

McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting.

Messrs—

Arnold,  
Dunlap,  
Fuller, Stutsman,

Messrs—

Hegge,  
Levang,  
McCanna,

Messrs—

McGillivray,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Was read the third time.

Mr. Marshall offered

The following amendments:

Amend by striking out the word "twenty" in line 6, page 10, of the printed bill, and insert in lieu thereof the "five."

Strike out the word "fifty" in line 6, page 10, of printed bill, and insert in lieu thereof the word "ten."

Strike out all of sections 17, 18 and 19.

Amend title as follows: After word "to" in line 1, of title, add the following, "regulate the manufacture and sale of dairy products and imitations and substitutes therefor; prescribing penalties for violations, to create a deputy commissioner of agriculture, prescribing his duties and fixing his salary,"

Mr. Marshall moved

The adoption of the amendments,

Which motion prevailed.

And the amendments were adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina,	McCanna,
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	McDougal,
Cashel,	Laidlaw,	Noble,
Cooper,	LaMoure,	Porter,
Cox,	Little,	Sanborn,
Cronan,	Luke,	Sharpe,
Creel,	Mansfield,	Slotten,
Dunlap,	Marshall,	Twichell,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Fuller, Stutsman,	McGillivray,	Murphy,
Levang,		

Mr. Murphy being excused.

So the bill as amended passed and the title as amended was agreed to.

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Baker,	Hanna,	McCarten,
Cashel,	Laidlaw,	McDougal,
Cooper,	LaMoure,	Noble,
Cox,	Levang,	Porter,
Cronan,	Little,	Sanborn,
Creel,	Luke,	Sharpe,
Dunlap,	Mansfield,	Slotten,
Fuller, Pembina	McCanna,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Ames,	Hegge,	McGillivray,
Arnold,	Marshall,	Murphy,
Fuller, Stutsman,		

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of

North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 19, nays none, absent and not voting 12.

Those voting in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Cashel,	Hanna,	McDougal,
Cooper,	Little,	Porter,
Cox,	Luke,	Sanborn,
Cronan,	Marshall,	Sharpe,
Creel,	McCanna,	Slotten,
Dunlap,	McCarten,	Twichell.
Fuller, Pembina		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Ames,	Hegge,	Mansfield,
Arnold,	Laidlaw,	McGillivray,
Baker,	LaMoure,	Murphy,
Fuller, Stutsman,	Levang,	Noble,

So the bill as amended passed and the title was agreed to.

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee.

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those voting in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Cashel,	Levang,	McDougal,
Cooper,	Little,	McGillivray,
Cox,	Luke,	Porter,
Cronan,	Mansfield,	Sanborn,
Dunlap,	Marshall,	Sharpe,
Fuller, Pembina	McCanna,	Slotten,
Hanna,	McCarten,	Twichell.

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Ames,	Fuller, Stutsman,	LaMoure,
Arnold,	Hegge,	Murphy,
Baker,	Laidlaw,	Noble,
Creel,		



Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 194,

A bill for an act to amend section 2895, chapter 11 of the Revised Codes of North Dakota.

Was read the third time.

Mr. Cashel moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 22, nays 2, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Arnold,  
Creel,

Messrs—

Fuller, Stutsman,  
LaMoure,

Messrs—

Little,  
Murphy,

Messrs. McDougal and Noble voting in the negative.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

The secretary announced that the president was about to sign House bill No. 71,

A bill for an act to provide for the construction and maintenance of dams across running streams for use in operating mills and for irrigation purposes.

Also,

Substitute for House bill No. 104,

A bill for an act to amend section 2073 of the Revised Codes of the state of North Dakota, providing for the salary of county auditors.

The president in the chair.

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Was read the third time.

Mr. Creel moved

The report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24; nays none; absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Fuller, Pembina  
Hanna,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell,

Absent and not voting:

Messrs—

Dunlap,  
Fuller, Stutsman,  
Hegge,

Messrs—

LaMoure,  
Little,

Messrs—

McGillivray,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Was read the third time.

Mr. McCanna moved

The report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Creel,  
Fuller, Stutsman,

Mr. Murphy being excused.

So the bill passed and the title was agreed to,

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 22; nays 3; absent and not voting, 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,

Messrs—

Marshall,  
McCarten,  
McGillivray,  
Noble,  
Sanborn,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Fuller, Pembina

Messrs—

LaMoure,

Messrs—

Porter,

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Luke,

Messrs—

McCanna,  
McDougal,

Messrs—

Murphy,  
Sharpe,

Mr. Murphy was excused.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 2, 1899.

Mr. President:

I have the honor to transmit herewith

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Which the house has reconsidered and amended as follows:

By striking out lines 21 and 22 of the engrossed bill.

And your concurrence therein is requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Hanna moved

That the senate concur in House amendments to

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Luke,  
Fuller, Stutsman,

Messrs—

Murphy,  
Noble,

Messrs—

Twichell.

Mr. Murphy being excused.

So the house amendments were concurred in.

The secretary announced that the president was about to sign House bill No. 70,

A bill for an act to amend section 527 of the Revised Codes of 1895 relating to the canvass and publication of election returns and issuing of certificates of election.

Substitute for House bill No. 146,

A bill for an act to amend sections 4823 and 4824 of the Revised Codes of the state of North Dakota of 1895 relating to threshing liens, providing who shall be entitled to such liens and the procedure necessary to obtain said liens.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 11, nays 14, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Creel,

Messrs—

Fuller, Pembina  
LaMoure,  
Little,  
Mansfield,

Messrs—

Marshall,  
McGillivray,  
Twichell.

Those voting in the negative were:

Messrs—

Baker,  
Cooper,  
Cox,  
Cronan,  
Dunlap,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
McCanna,  
McCarten,

Messrs—

Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Levang,

Messrs—

Luke,  
McDougal,

Messrs—

Murphy,  
Noble,

So the bill as amended was lost.

The committee on state affairs made the following report:

Mr. President:

Your committee on state affairs to whom was referred  
Senate bill No. 18,For an act entitled an act making appropriations for the current  
and contingent expenses of the state penitentiary and for making  
permanent improvements and additions thereto.Have had the same under consideration and recommend that  
the same do pass.T. F. MARSHALL,  
Chairman.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 2, 1899.

Mr. President:

I have the honor to transmit herewith  
Senate bill No. 111,A bill for an act to appropriate the sum of eight hundred dollars  
to pay C. A. Leck and H. P. Leck, composing the firm of Leck &  
Leck, for work and labor done and material furnished for the North  
Dakota Agricultural College at Fargo, North Dakota.Which the house has amended by striking out, in the title of  
the bill, "eight hundred dollars," and inserting "four hundred  
and forty dollars" in lieu thereof, and has passed the bill as  
amended, and your concurrence therein is requested.

Also,



Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Also,

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Also,

Senate bill No. 121,

A bill for an act relating to titles to real property.

Also,

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Which have passed the house unchanged.

Very respectfully,

J. G. HAMILTON,

Chief Clerk.

Mr. Twichell moved

That the senate concur in the house amendments to

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

The roll was called and there were ayes, 19; nays none; absent and not voting, 12:

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,

Messrs—

Fuller of Pembina,  
Hanna,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McGillivray,  
Noble,  
Sharpe,  
Slotton,  
Twitchell,

Absent and not voting:

Messrs—

Creel,  
Dunlap,  
Fuller of Stutsman,  
Hegge,

Messrs—

Laidlaw,  
LaMoire,  
Levang,  
McCanna,

Messrs—

McDougal,  
Murphy,  
Porter,  
Sanborn,

Mr. Murphy being excused.

So the house amendments were concurred in.

Mr. Hanna moved

That the senate concur in house amendments to  
Senate bill No. 117.

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Dunlap,	Marshall,
Baker,	Fuller, Pembina,	McGillivray,
Cashel,	Hanna,	Noble,
Cooper,	Hegge,	Porter,
Cox,	Levang,	Sharpe,
Cronan,	Luke,	Slotten,
Creel,	Mansfield,	Twichell,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	LaMoure,	<b>Murphy,</b>
Fuller, Stutsman,	McCanna,	Sanborn,
Laidlaw,	McCarten,	
Little,	McDougal,	

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Sealed message from the governor.

Mr. Little moved

That the senate go into executive session,

Which motion prevailed.

In executive session.

### IN OPEN SESSION.

The following nominations by the governor were confirmed:

I have the honor to submit herewith for your consideration the names of the following persons whom I have selected to be appointed as trustees of the department of agriculture: H. R. Lyon, Mandan; J. F. Wallace, Bismarck; William H. Mann, New Salem; each for the term of two years from and after March 9, 1899, agreeable to the provisions of chapter 134 of the session laws of 1897.

Mr. Little moved

That when the senate adjourn take a recess until 10 o'clock  
a. m. Friday, March 3, 1899,  
Which motion prevailed.

Mr. Cronan moved

That the rules be suspended and  
Senate bill No. 181.

A bill for an act to license commission merchants and other  
factors.

Be read the third time and put upon its final passage,  
Which motion prevailed.

### THIRD READING OF SENATE BILLS.

Senate bill No. 181,

A bill for an act to license commission merchants and other  
factors.

Was read the third time.

Mr. Hanna moved

That the report of the committee be adopted,  
Which motion prevailed, and  
The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent  
and not voting 8.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina,  
Hanna,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sharpe,  
Slotten,  
Twichell,

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Hegge,  
Laidlaw,

Messrs—

LaMoure,  
McCanna,  
Murphy,

Messrs—

Porter,  
Sanborn,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Cronan moved

That the vote by which Senate bill No. 181 passed be reconsid-  
ered, and the motion to reconsider be laid upon the table,  
Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 2, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Also,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Which has passed the house unchanged.

Also,

Senate bill No. 71,

A bill for an act entitled "an act to amend section 26 of chapter 126 of the laws of 1897, relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Which was lost on passage.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Marshall moved

That the senate do now adjourn,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.

## MORNING SESSION.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 3, 1899.

The senate convened at 10 o'clock a. m.

The president presiding.

## THIRD READING OF HOUSE BILLS.

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Was read the third time.

Mr. McCanna moved

That the report of the committee be adopted,

Which motion prevailed and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27; nays none, absent and not voting 4.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina	McCanna,
Arnold,	Fuller, Stutsman,	McDougal,
Baker,	Hanna,	McGillivray,
Cashel,	Laidlaw,	Noble,
Cooper,	LaMoure,	Porter,
Cox,	Little,	Sanborn,
Cronan,	Luke,	Sharpe,
Creel,	Mansfield,	Slotten,
Dunlap,	Marshall,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Hegge,	McCarten,	Murphy,
Levang,		

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 175,

A bill for an act to settle disputes as to county boundaries and



to confirm the acts of officials in counties that have exercised jurisdiction over territory not clearly within county boundaries.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Fuller, Stutsman,

Messrs—

Hegge,  
Little,

Messrs—

McCarten,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 3, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Which has passed the house unchanged.

Also,

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

Which the house has passed amended:

By striking out in section 607 in the last line the word "registry" and inserting the word "register."

Amend title by striking out the word "election" and inserting the word "elections."

And has passed the bill as amended, and your concurrence therein is respectfully requested.

Also,

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Which the house has amended as follows:

After the word "wolf" in line 6, page 1, of the printed bill, insert the words "or prairie wolves."

In line 6, page 1 of the printed bill, strike out the words "three" and insert in lieu thereof the word "two."

Section 3. There shall be paid a bounty of one dollar on all pup wolves as provided for in section 2 of this act, and provided that the body of a full grown female wolf be presented with every five wolf pups, the bounty of two dollars shall be paid on the pups and the old female wolf as provided for in sections 2 and 3 of this act.

Amend by striking out the words "section 3" of the printed bill, and insert in lieu thereof the words:

"Section 4. All acts and parts of acts in conflict with this act are hereby repealed."

Has passed the bill as amended, and your concurrence therein is respectfully requested.

Also,

Senate bill No. 70,

A bill for an act providing for a lien upon threshing engines or separators for repairing the same.

The further consideration of which the house has indefinitely postponed.

Also,

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Which the house has passed unchanged.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Arnold moved

That the senate concur in House amendments to

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to election.

The roll was called and there were ayes 27, nays none, absent and not voting 4.

Those who voted in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Ames,	Fuller, Pembina,	McCarten,
Arnold,	Hanna,	McDougal
Baker,	Laidlaw,	McGillivray,
Cashel,	LaMoure,	Noble,
Cooper,	Little,	Porter,
Cox,	Luke,	Sanborn,
Cronan,	Mansfield,	Sharpe,
Creel,	Marshall,	Slotten,
Dunlap,	McCanna,	Twichell.

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Fuller, Stutsman,	Levang,	
Hegge,		Murphy,

Mr. Murphy being excused.

So the house amendments were concurred in.

Mr. Mansfield moved

That the senate concur in the house amendment to

Senate bill No. 19,

A bill for an act to amend sections 1 and 2, of chapter 57 of the laws of 1897, providing a bounty on certain stock-destroying animals.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Ames,	Hanna,	McDougal,
Arnold,	LaMoure,	McGillivray,
Baker,	Levang,	Noble,
Cashel,	Little,	Porter,
Cooper,	Luke,	Sanborn,
Cox,	Marshall,	Sharpe,
Cronan,	McCanna,	Slotten,
Creel,	McCarten,	Twichell.
Fuller, Pembina		

Absent and not voting:

<b>Messrs—</b>	<b>Messrs—</b>	<b>Messrs—</b>
Dunlap,	Hegge,	Marshall,
Fuller, Stutsman,	Laidlaw,	Murphy,

Mr. Murphy being excused.

The house amendments were concurred in.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined

Substitute for House bill No. 111,  
Being a concurrent resolution to amend the constitution.

Also,

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Also,

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19. of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Also,

Senate bill No. 121,

A bill for an act relating to titles to real property.

Also,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Also,

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Also,

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Also,

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Also,

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Also,

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, pro-

viding for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Also,

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Also,

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state or North Dakota, relating to marks and brands.

Also,

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Also,

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Also,

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Also,

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Also,

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.

Also,

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Also,



Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

### THIRD READING OF HOUSE BILLS.

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Was read the third time.

Mr. LaMoure offered the following amendment:

Strike out the words "incurable insanity" at end of section 1.

And moved its adoption

Which amendment did not prevail, and

So the amendment was lost.

The question being upon the final passage of the bill.

The roll was called and there were ayes 15, nays 13, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Baker,  
Cox,  
Cronan,  
Creel,  
Hanna,

Messrs—

Laidlaw,  
Little,  
McCarten,  
McGillivray,  
Noble,

Messrs—

Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Dunlap,

Messrs—

Fuller, Pembina  
Fuller, Stutsman,  
LaMoure,  
Levang,

Messrs—

Luke,  
Marshall,  
McCanna,  
McDougal,

Absent and not voting:

Messrs—

Hegge,

Messrs—

Mansfield,

Messrs—

Murphy,

Mr. Murphy being excused

So the bill was lost.

House bill No. 177,

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Was read the third time.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26; nays none; absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina,  
Fuller, Stutsman,  
Hanna,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Hegge,  
Mansfield,

Messrs—

McDougal  
Murphy,

Messrs—

Porter,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 3, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Which has passed the house unchanged.

Also,

Senate bill No. 136,

A bill for an act to amend section 2061 of the Revised Codes relating to compensation of clerks of the district courts.

The further consideration of which the house has indefinitely postponed.

Very respectfully yours,

J. G. HAMILTON,  
Chief Clerk.

Substitute for House bill No. 91,

A bill for an act to amend section 2068 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Was read the third time.

Mr. Little offered the following amendment:

Also, by adding after the title the words "Be it enacted by the legislative assembly of the state of North Dakota."

And moved its adoption,  
Which motion prevailed, and  
The amendment was adopted.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 23, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina,  
Fuller, Stutsman,  
Hanna  
LaMoure,  
Little,  
Luke,  
Mansfield,

Messrs—

Marshall,  
McCanna,  
McCarten,  
McGillivray,  
Porter,  
Sanborn,  
Slotten,

Those voting in the negative were:

Messrs—

Laidlaw,

Messrs—

Noble,

Messrs—

Sharpe,

Absent and not voting:

Messrs—

Hegge,  
Levang,

Messrs—

McDougal,  
Murphy,

Messrs—

Twichell.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,  
Which motion prevailed and  
The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 22, nays 3, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Arnold,	Fuller, Stutsman,	McCarten,
Baker,	Hanna,	McGillivray,
Cashel,	LaMoure,	Noble,
Cooper,	Little,	Porter,
Cox,	Luke,	Sharpe,
Cronan,	Mansfield,	Slotten,
Dunlap,	McCanna,	Twichell.
Fuller, Pembina		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Ames,	Laidlaw,	Sanborn,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Creel,	Levang,	McDougal,
Hegge,	Marshall,	Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 794, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Was read the third time.

Mr. Hanna moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays 3, absent and not voting 5.

Those who voted in the affirmative were:

## Messrs—

Baker,  
Cashel,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina  
Fuller, Stutsman,  
Hanna,

## Messrs—

Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

## Messrs—

McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

## Messrs—

Cooper,  
Absent and not voting.

## Messrs—

Dunlap,

## Messrs—

Levang,

## Messrs—

Ames,  
Arnold,

## Messrs—

Hegge,  
Murphy,

## Messrs—

Noble,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

## Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

## Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

## Messrs—

McCanna,  
McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell,

Absent and not voting:

## Messrs—

Arnold,

## Messrs—

Murphy,

## Messrs—

McGillivray,

Mr. LaMoure voted in the negative.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Marshall moved

That the vote by which

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Was lost, be reconsidered,



Which motion prevailed.

House bill No. 7.

A bill for an act to amend section 2737 of the Revised Codes.

Was read the third time.

The question being upon the final passage of the bill:

The roll was called and there were ayes 22, nays 6, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Baker,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Stutsman.  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCarten,

Messrs—

McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Ames,  
Cashel,

Messrs—

Fuller, Pembina  
Luke,

Messrs—

McCanna,  
McDougal,

Absent and not voting:

Messrs—

Arnold,

Messrs—

LaMoure,

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
LaMoure,

Messrs—

Little,  
Marshall,

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and their powers and duties.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Luke,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Cox,

Messrs—

LaMoure,  
Little,

Messrs—

Marshall,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 143,

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

Was read the third time.

Mr. Cooper moved

The report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none; absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina  
Hanna,  
Hegge,  
Levang,  
Luke,  
Mansfield,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

## Absent and not voting:

Messrs—

Fuller, Stutsman,  
Laidlaw,  
LaMoure,

Messrs—

Little,  
Marshall,

Messrs—

McGillivray,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Was read the third time.

Mr. McCarten moved

The adoption of the report of the committee,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Ames,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

## Absent and not voting:

Messrs—

Arnold,  
Baker,  
Creel,

Messrs—

Fuller, Stutsman,  
LaMoure,

Messrs—

Luke,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 57.

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

## Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Hanna,

## Messrs—

Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

## Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

## Messrs—

Arnold,  
Creel,

## Messrs—

Fuller, Stutsman,  
LaMoure,

## Messrs—

Luke,  
Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those voting in the affirmative were:

## Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,

## Messrs—

Fuller, Pembina,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,

## Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

## Messrs—

Arnold,  
Creel,  
Fuller, Stutsman,  
LaMoure,

## Messrs—

Luke,  
Marshall,  
McCanna,

## Messrs—

McGillivray,  
Murphy,  
Twichell.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

President pro tem McGillivray in the chair.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 3, 1899

Mr. President:

I have the honor to transmit herewith

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Also,

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Also,

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Also,

Senate bill No. 180,

#### CONCURRENT RESOLUTION.

Providing a Contingent Fund for the First North Dakota Volunteers.

Be it Resolved by the Senate, the House of Representatives Concurring:

That the governor be and he is hereby empowered and directed to draw the sum of \$2,500 from the military appropriation of the state of North Dakota and transmit the same to the first North Dakota volunteers at Manila in the Philippine islands, to be used as a contingent fund for the comfort and welfare of said volunteers under the direction of a board consisting of the field officers and company commanders in command of troops.

All of which has passed the house unchanged.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Substitute for House bill No. 90,

A bill for an act to repeal Sec. 30 of the Revised Codes of 1895, of the state of North Dakota, relative to assistant legislative clerks and employes.

Was read the third time.

Mr. Cox offered the following amendment:

By striking out the word "four" in line 30, page 1, of engrossed bill and substituting therefor the word "five."

And moved its adoption,



Which motion prevailed, and  
The amendment was adopted.

Mr. Ames offered the following amendment:

By striking out the word "two" in line 7, page 2, of engrossed bill and substitute therefor the word "three."

And moved its adoption,  
Which motion prevailed, and  
The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 26, nays 1, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Arnold,  
Creel,

Messrs—

Levang,

Messrs—

Murphy,

Mr. Mansfield voted in the negative.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof.

Was read the third time.

Mr. Ames offered

The following amendment:

By adding to the title "by prescribing penalties for the violation thereof."

And moved its adoption,  
Which motion prevailed, and  
The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 27, nays 1, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Stutsman,	McCanna,
Arnold,	Hanna,	McCarten,
Baker,	Hegge,	McDougal
Cashel,	Laidlaw,	McGillivray,
Cooper,	LaMoure,	Noble,
Cronan,	Little,	Porter,
Creel,	Luke,	Sharpe,
Dunlap,	Mansfield,	Slotten,
Fuller, Pembina,	Marshall,	Twitchell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Levang,	Murphy,	Sanborn,

Mr. Cox voting in the negative.

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina	Mansfield,
Arnold,	Fuller, Stutsman,	Marshall,
Baker,	Hanna,	McCanna,
Cashel,	Hegge,	McCarten,
Cooper,	Laidlaw,	McGillivray,
Cox,	LaMoure,	Sanborn,
Cronan,	Levang,	Slotten,
Creel,	Little,	Twitchell.
Dunlap,	Luke,	

Absent and not voting:

Messrs—	Messrs—	Messrs—
McDougal,	Noble,	Sharpe,
Murphy,	Porter,	

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 217,

A bill for an act to prevent the befouling of wells and providing a penalty therefor.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 9, nays 15, absent and not voting 7.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina	McDougal,
Arnold,	Hanna,	McGillivray,
Dunlap,	LaMoure,	Twichell,

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Baker,	Creel,	Luke,
Cashel,	Fuller, Stutsman,	McCanna,
Cooper,	Hegge,	Porter,
Cox,	Laidlaw,	Sanborn,
Cronan,	Levang,	Slotten,

Absent and not voting:

Messrs—	Messrs—	Messrs—
Little,	McCarten,	Noble,
Mansfield,	Murphy,	Sharpe,
Marshall,		

Mr. Murphy being excused.

So the bill was lost.

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Fuller, Pembina	Marshall,
Arnold,	Hanna,	McCarten,
Cashel,	Hegge,	McGillivray,
Cooper,	LaMoure,	Noble,
Cox,	Levang,	Sanborn,
Cronan,	Little,	Sharpe,
Creel,	Luke,	Slotten,
Dunlap,	Mansfield,	Twichell.

Absent and not voting:

Messrs—	Messrs—	Messrs—
Baker,	McCanna,	Murphy,
Fuller, Stutsman,	McDougal,	Porter,
Laidlaw,		

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina,  
Hanna,  
Hegge,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Fuller, Stutsman,  
Laidlaw,  
LaMoire,

Messrs—

Luke,  
McCanna,

Messrs—

Murphy,  
Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-eighth day and report the following corrections:

Page 14, 25th line, strike out the words "substitute for."

And when so amended recommend that the Journal of the fifty-eighth day be approved.

Also,

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-ninth day by adding under the head of first and second reading of house bills, the following:

"House bill No. 17,

"A bill for an act providing for the collection of vital statistics.

"Was read the first and second times, and

"Referred to the steering committee."

Also, "House bill No. 156.

Mr. Dunlap moved

The adoption of the report.

Which motion prevailed, and

The report was adopted.

Very respectfully yours.

CHARLES DUNLAP,

Chairman.

Mr. LaMoure moved

That the senate take a recess until 1 o'clock p. m.,

Which motion prevailed.

The senate reconvened.

President pro tem McGillivray in the chair.

The secretary announced that the president was about to sign Senate bill No. 91,

A bill for an act to amend section 6156 of the Revised Codes relating to custody of trespassing animals until damages are paid.

Also,

Senate bill No. 179,

A joint resolution regulating the compensation of the door-keepers, assistant sergeant-at-arms, janitors and watchmen of the Senate and House of Representatives.

Also,

Senate bill No. 153.

A bill for an act to amend section 1353 of the Revised Codes of the state of North Dakota, relating to adjustment of delinquent taxes due the state from counties and repealing section 1347 of said codes.

Also,

Senate bill No. 72,

A bill for an act to define and limit the officers before whom the proof or acknowledgment of certain instruments may be made, and the relationship which may exist between the parties to instruments, and officers taking the proof or acknowledgment of the same.

Also,

Senate bill No. 173,

A bill for an act entitled an act to amend section 404 of the Revised Codes of the state of North Dakota, approved February 24th, 1899, relating to the boundaries of the Second judicial district and fixing the terms of the court therein.

Also,

Senate bill No. 49,

A bill for an act to amend section 2869 of the civil code, providing for the secretary of state making record of, and certifying to the state examiner, when charter is granted to certain corporations.

Also,

Senate bill No. 105,

A bill for an act relating to clerk hire in office of the commissioner of agriculture and labor.



Also,

Senate bill, No. 53,

A bill for an act to provide for the paying of the expenses incurred in the railroad rate case, and to refund money advanced by certain persons for the prosecution of said suit.

Also,

Senate bill No. 101

A bill for an act legalizing the acts of officers and stockholders of corporations as notaries public in cases where the corporation is interested.

Also,

Senate bill No. 78,

A bill for an act to amend sections 625, 707, 751, and 757 of the Revised Codes, as amended by chapter 75 of the laws of 1897, and sections 703, 704, 755, 868, 869, 870, 871, 872, and 873 of the Revised Codes, relating to education.

Also,

Senate bill No. 123,

A bill for an act to amend section 1 of chapter 108 of the session laws of 1897 relating to labor of convicts.

Also,

Senate bill No. 121,

A bill for an act relating to titles to real property.

Also,

Senate bill No. 111,

A bill for an act to appropriate the sum of eight hundred dollars to pay C. A. Leck and H. P. Leck, composing the firm of Leck & Leck, for work and labor done and material furnished for the North Dakota Agricultural College at Fargo, North Dakota.

Also,

Senate bill No. 109,

A bill for an act to appropriate money to pay traveling expenses of the board of railroad commissioners and its secretary.

Also,

Senate bill No. 112,

A bill for an act to appropriate money to pay S. E. Olson Co. for furniture furnished for the capitol building during the year 1894.

Also,

Senate bill No. 142,

A bill for an act to legalize irregularities in the formation of school districts and to make valid the acts of the officials thereof.

Also,

Senate bill No. 145,

A bill for an act to amend section 1391, chapter 19, of the Revised Codes, of the state of North Dakota, relating to the annual encampment of the National Guard of the state of North Dakota.

Also,

Senate bill No. 149,

A concurrent resolution relating to the hospital for the insane.

Also,

Senate bill No. 122,

A bill for an act to amend section 1538 of the Revised Codes of the state of North Dakota, relating to marks and brands.

Also,

Senate bill No. 110,

A bill for an act to reimburse the county of Burleigh for expenses incurred in prosecuting W. H. Leonard for obtaining wolf bounty from the state treasury under false pretenses.

Also,

Substitutes for House bills 89 and 98.

A bill for an act entitled "an act fixing the salary of clerks of the district court in the state of North Dakota, providing a fund to reimburse the counties of the state for the same and to repeal sections 2061 to 2067, both inclusive, of the Revised Codes of the state of North Dakota for the year 1895, the same being all of article 2, of chapter 27, of the Political Code therein."

Also,

House bill No. 181,

A bill for an act to enable the substitution of lost papers or papers destroyed by fire in the county courts of this state and providing the manner of said substitution.

Also,

House bill No. 106,

A bill for an act to amend section 2080 of the Revised Codes of the state of North Dakota, providing for the salary of county treasurers.

Also,

House bill No. 94,

A bill for an act to provide for the granting of the right of way by municipal corporations for telephone lines, on and over public grounds, streets, alleys and highways, and making valid such grants heretofore made.

Also,

Substitute for House bill No. 45,

A bill for an act to amend sections 863 and 864 of the Revised Codes relating to education.

Also,

House bill No. 87,

A bill for an act to amend section 3219 of the Revised Codes of 1895, relating to building and loan associations.

Also,

House bill No. 53,

A bill for an act to amend sections 1880, 1881, 1883, 1886 and 1887 of the Revised Codes of the state of North Dakota of 1895 relating to the procedure for the removal of county seats.

Also,

#### CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the Sixth Legislative Assembly of the State of North Dakota, the senate concurring:

That the state treasurer, with the advice and consent of the governor and state auditor, be hereby authorized and instructed to negotiate and dispose of state funding warrants not to exceed \$100,000.00 in the aggregate, at such discount as will allow a reasonable rate of interest, such indebtedness to become due and payable on or before January 1, 1901. The existing conditions are such that the collection of taxes from the counties from now until January 1, 1901, may not be sufficient to meet expenses; therefore, this loan is necessary to protect the credit of the state and of the institutions.

Also,

House bill No. 49,

A bill for an act to amend section 1943 of the Revised Codes of North Dakota relating to balances to be kept by county treasurers in county depositories.

Also,

House bill No. 127,

A bill for an act to provide for the cutting or removing of weeds along the public highways, streets and alleys.

Also,

House bill No. 136,

A bill for an act requiring the owners or occupants of lands within the state to fill or cover securely any and all wells situated thereon.

Also,

House bill No. 159,

A bill for an act to amend section 4788, of chapter 77, of the Revised Codes of 1895, relating to mechanics liens.

Also,

House bill No. 183,

A bill for an act to amend section 1419 of chapter 19 of the Revised Codes of 1895, entitled Militia.

Also,

House bill No. 189,

A bill for an act to amend section 2459 of the Revised Codes of North Dakota relating to water works and fire apparatus in cities, towns, and villages.

Also,

House bill No. 194,

A bill for an act to amend section 2895, chapter 11 of the Revised Codes of North Dakota.

### THIRD READING OF HOUSE BILLS.

House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Fuller, Pembina  
Fuller, Stutsman,  
Hanna,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Baker,  
Creel,

Messrs—

Dunlap,  
Murphy,

Messrs—

Sharpe,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Was read the third time.

Mr. Ames offered the following amendment:

By striking out all of line 4 after the word "state," also lines 5 and 6,

And moved its adoption,  
Which motion did not prevail, and  
The amendment was lost.

The question being upon the final passage of the bill.

The roll was called and there were ayes 27, nays none, absen  
and not voting 4.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Fuller, Pembina,  
Fuller, Stutsman,

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Slotten,  
Twichell,

Absent and not voting:

Messrs—

Baker,  
Dunlap,

Messrs—

Murphy,

Messrs—

Sharpe.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of  
1895, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 18, nays 8, absent  
and not voting 5.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cooper,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina,  
Fuller, Stutsman,  
Hegge,  
Laidlaw,  
Levang,

Messrs—

Mansfield,  
McCarten,  
McDougal,  
McGillivray,  
Slotten,  
Twichell,

Those voting in the negative were:

Messrs—

Cashel,  
Hanna,  
LaMoure,

Messrs—

Little,  
Luke,  
Noble,

Messrs—

Porter,  
Sanborn,

Absent and not voting:

Messrs—

Baker,  
Marshall,

Messrs—

McCanna,  
Murphy,

Messrs—

Sharpe,

Mr. Murphy being excused.



So the bill passed and the title was agreed to.

House bill No. 118,

A bill for an act to amend section 1794 of the revised codes of North Dakota relating to storage of grain.

Was read the third time.

Mr. McCanna moved

The report of the committee be adopted,

Which motion prevailed, and

The report was adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 15, nays 5, absent and not voting 11.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Fuller, Pembina,  
Levang,  
McCanna,  
McCarten,

Messrs—

Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell,

Those voting in the negative were:

Messrs—

Cooper,  
Cox,

Messrs—

Hegge,  
Laidlaw,

Messrs—

Mansfield,

Absent and not voting:

Messrs—

Baker,  
Fuller, Stutsman,  
Hanna,  
LaMoure,

Messrs—

Little,  
Luke,  
Marshall,  
McDougal,

Messrs—

McGillivray,  
**Murphy,**  
Porter,

Mr. Murphy being excused.

So the bill was lost.

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 19, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Baker,  
Cashel,  
Creel,  
Fuller, Stutsman,

Messrs—

Hanna,  
Little,  
Luke,  
Marshall,

Messrs—

McDougal,  
Murphy,  
Porter,  
Twichell.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Was read the third time.

Mr. LaMoure offered

The following amendment:

In line 5, of printed bill, strike out the words "one or more platforms" and insert in line thereof "one platform."

And moved its adoption,

Which motion prevailed and

The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotton,

Absent and not voting:

Messrs—

Baker,  
Creel,  
Fuller, Stutsman,

Messrs—

Hanna,  
Luke,  
McDougal,

Messrs—

Murphy,  
Porter,  
Twichell,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 20, nays none, absent and not voting 11.

Those voting in the affirmative were:

**Messrs—**

Arnold,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina,

**Messrs—**

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,

**Messrs—**

McCarten,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotton,

Absent and not voting:

**Messrs—**

Ames,  
Baker,  
Creel,  
Fuller, Stutsman,

**Messrs—**

Hanna,  
Luke,  
McCanna,  
McDougal,

**Messrs—**

Murphy,  
Porter,  
Twichell,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 19, nays none, absent and not voting 12.

Those who voted in the affirmative were:

**Messrs—**

Arnold,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina,  
Hegge,

**Messrs—**

Laidlaw,  
LaMoure,  
Levang,  
Mansfield,  
Marshall,  
McCarten,

**Messrs—**

McDougal  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

**Messrs—**

Ames,  
Baker,  
Cashel,  
Creel,

**Messrs—**

Fuller, Stutsman,  
Hanna,  
Little,  
Luke,

**Messrs—**

McCanna,  
Murphy,  
Porter,  
Twichell.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Was read the third time.

The question being upon the final passage of the bill

The roll was called and there were ayes 19; nays none; absent and not voting 12.

Those who voted in the affirmative were:

Messrs—

Arnold,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Hegge,  
Laidlaw,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCarten,

Messrs—

McDougal  
McGillivray,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
Baker,  
Cashel,  
Fuller, Stutsman,

Messrs—

Hanna,  
LaMoire,  
Luke,  
McCanna,

Messrs—

Murphy,  
Noble,  
Porter,  
Twichell.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 2.

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those voting in the affirmative were:

Messrs—

Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hegge,  
Laidlaw,  
LaMoire,  
Levang,  
Little,  
Mansfield,  
Marshall,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
Arnold,  
Baker,  
Fuller, Stutsman,

Messrs—

Hanna,  
Luke,  
Murphy,

Messrs—

Porter,  
Sharpe,  
Twichell.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 23, nays none, absent and not voting 8.

Those who voted in the affirmative were:

Messrs—

Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Ames,  
Arnold,  
Baker,

Messrs—

Hanna,  
Luke,  
Murphy,

Messrs—

Porter,  
Twichell.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897.

Was read the third time.

Mr. Cashel offered the following amendment to the title:

“Relating to assessment of damages under the law of eminent domain.”

And moved its adoption.

Which motion prevailed, and

The amendment was adopted.

The question being upon the final passage of the bill as amended.

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:



**Messrs—**

Arnold,  
Cashel,  
Cooper,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,  
Hanna,

**Messrs—**

Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Mansfield,  
Marshall,  
McCanna,

**Messrs—**

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

**Messrs—**

Ames,  
Baker,  
Cox,

**Messrs—**

Cronan,  
Little,  
Luke,

**Messrs—**

Murphy,  
Porter,  
Twichell.

Mr. Murphy being excused

So the bill as amended passed and the title was agreed to.

Mr. Cox moved

That the vote by which House bill No. 44 passed be reconsidered,

Which motion prevailed.

House bill No. 44,

A bill for an act to amend section 640 of the revised codes of 1895, relating to education.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 6, nays 19, absent and not voting 6.

Those voting in the affirmative were:

**Messrs—**

Ames,  
Dunlap,

**Messrs—**

Laidlaw,  
Levang,

**Messrs—**

McCarten,  
Slotten,

Those voting in the negative were:

**Messrs—**

Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Fuller, Pembina  
Fuller, Stutsman,

**Messrs—**

Hanna,  
Hegge,  
LaMoure,  
Mansfield,  
Marshall,  
McCanna,  
McDougal,

**Messrs—**

McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,

Absent and not voting:

**Messrs—**

Arnold,  
Cronan,

**Messrs—**

Little,  
Luke,

**Messrs—**

Murphy,  
Twichell.

Mr. Murphy being excused.

So the bill was lost.

Mr. LaMoure moved  
That the senate do now adjourn,  
Which motion prevailed, and  
The senate adjourned.

J. O. SMITH,  
Secretary.

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## SIXTIETH DAY.

SENATE CHAMBER,  
BISMARCK, NORTH DAKOTA,  
March 3, 1899.

The senate met at 2 o'clock pursuant to adjournment.

The president presiding.

Prayer by the chaplain.

Roll called.

All members present, except Mr. Murphy who was excused.

Mr. Little moved

That the reading of the Journal be dispensed with and the  
secretary correct the same.

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 3, 1899

Mr. President:

I have the honor to transmit herewith

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14,

and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Also,

Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Also,

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Which have passed the house unchanged.

Also,

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state or North Dakota.

Which the house has amended by striking out all after the word "rate" in the fourth line from the end of the resolution, and your concurrence therein is requested.

Also,

Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

Which has passed the house unchanged.

Also,

I have the honor to inform the senate

That the house has refused to concur in the senate amendments to

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

And asks for a conference thereon, and has appointed as conferees on behalf of the house, Messrs. Tufte, Wolbert and Swenson.

Very respectfully yours.

J. G. HAMILTON,

Chief Clerk.

Mr. Creel moved

That five hundred copies of  
Senate bill No. 180,

A bill for an act providing a contingent fund for the First North Dakota volunteers.

Be printed, and the secretary of state send copies to commanders of the North Dakota soldiers at Manila,

Which motion prevailed.

Mr. McCarten moved

That the secretary of state send copies of the fifty-ninth and sixtieth days' Journal to the members of the senate,

Which motion prevailed.

Mr. Noble offered the following resolution:

Be it Resolved by the Senate of the State of North Dakota, that

Whereas, Honorable M. F. Murphy, a member of this body, and an honored and trustworthy representative of the county of Grand Forks was stricken with a severe and distressing illness at an early date in this legislative session, almost ere his wise judgment was able to be employed in shaping the deliberations of this body, and yet not until this senate had come to appreciate his wisdom, honor his integrity and defer to his good counsel; and,

Whereas, the senate realizes that in the enforced absence of Honorable M. F. Murphy it has been deprived of the presence of a trustworthy and careful counselor and legislator, a kind friend and generous companion;

Therefore, be it resolved, that this body expresses hereby its profound regret at the misfortune both to himself and to this senate, which has removed the aforesaid legislator from a voice in its deliberations, which regret was shown by its continued anxiety during his illness; and it would also express its sincere pleasure at his final recovery and restoration to health; and be it further

Resolved, that an engrossed copy of this resolution be forwarded to Honorable M. F. Murphy at his home at Grand Forks, N. D.

Mr. Noble moved

The adoption of the resolution,

Which motion prevailed, and

The resolution was adopted.

Mr. Creel offered the following resolution:

That the senate extend a vote of thanks to Mr. John White of Bismarck, for the efficient manner in which he has managed the transportation of senators to and from the capitol during the present session of the legislature.

Mr. Marshall moved

The adoption of the resolution,

Which motion prevailed and

The resolution was adopted.

Mr. Cox offered the following resolution:

Be It Resolved, By the senate of the state of North Dakota, that the compensation of the sergeant-at-arms of the senate during the present session of said senate shall be fixed at five dollars per day.

Mr. McGillivray moved

The adoption of the resolution,  
Which motion prevailed, and  
The resolution was adopted.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Also,

Senate bill No. 10,

A bill for an act to amend sections 1 and 2 of chapter 37 of the laws of 1897 providing a bounty on certain stock destroying animals.

Also,

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Also,

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Also,

Senate bill No. 180,

A bill for an act providing a contingent fund for the First North Dakota volunteers.

Also,

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the disposition of money received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Also,

Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled



"an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Also,

Senate bill No. 156,

A bill for an act to amend sections 607 and 621, of article 15, chapter 8, of the Revised Codes of 1895, relating to elections.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

Mr. Porter moved

That the senate concur in the house amendments to

Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Mansfield,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Cronan,  
Little,

Messrs—

Luke,  
Murphy,

Messrs—

Levang,  
Marshall,

Mr. Murphy being excused.

So the amendments were concurred in.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 3, 1899.

Mr. President:

I have the honor to transmit herewith

Senate bill No. 71,

A bill for an act entitled "an act to amend section 26 of chapter 126 of the laws of 1897, relating to the assessment of bank

stock and the method of determining the value thereof for purposes of assessment.

Which the house has amended

By inserting at the commencement of line 14 the words "undivided profits" and after the word "surplus" in line 17 the words "undivided profits."

And passed the bill as amended, and your concurrence is requested.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. Sanborn moved

That the senate concur in the house amendments to Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

The roll was called and there were ayes 21, nays none, absent and not voting 10.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Creel,  
Dunlap,

Messrs—

Fuller, Pembina  
Hanna,  
Laidlaw,  
LaMoure,  
Little,  
Luke,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McDougal,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

Messrs—

Arnold,  
Cronan,  
Fuller, Stutsman,  
Hegge,

Messrs—

Levang,  
Marshall,  
McGillivray,

Messrs—

Murphy,  
Noble,  
Twichell.

Mr. Murphy being excused.

So the house amendments were concurred in

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those voting in the affirmative were:

## Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

## Messrs—

Fuller, Pembina,  
Fuller, Stutsman,  
Hanna,  
Hegge,  
LaMoure,  
Levang,  
Mansfield,  
McCanna,

## Messrs—

McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

## Messrs—

Arnold,  
Laidlaw,  
Little,

## Messrs—

Luke,  
Marshall,  
McCarten,

## Messrs—

Murphy,  
Noble,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the vote by which

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Was passed, be reconsidered,

Which motion prevailed.

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those voting in the affirmative were:

## Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

## Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Little,  
Mansfield,  
McCanna,

## Messrs—

McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

## Messrs—

Cooper,  
Levang,

## Messrs—

Luke,  
Marshall,

## Messrs—

Murphy,  
Noble,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

The president appointed as a conference committee, Messrs. LaMoure, Ames and Cooper, to meet with a like committee from the house, to confer on the senate amendments to

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 26, nays none, absent and not voting 5.

Those voting in the affirmative were:

**Messrs—**

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,

**Messrs—**

Fuller, Pembina  
Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
Levang,  
Little,  
Luke,  
Mansfield,

**Messrs—**

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,

Absent and not voting:

**Messrs—**

LaMoure,  
Marshall,

**Messrs—**

Murphy,  
Noble,

**Messrs—**

Twichell.

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. Little moved

That the senate take a recess,

Which motion prevailed.

The senate reconvened.

President pro tem McGillivray in the chair.

Mr. LaMoure moved

That the secretary request the house to return

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

Which motion prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 3, 1899.

Mr. President:

I have the honor to transmit herewith

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

Which is returned herewith as per the request of the senate.

Very respectfully yours,

J. G. HAMILTON,  
Chief Clerk.

Mr. LaMoure moved

That the vote by which

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

Passed, be reconsidered,

Which motion prevailed.

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relating to legislative officers and employes.

Was read the third time.

Mr. LaMoure offered the following amendments:

By striking out the word "four" in line 22 of page 3 of the engrossed bill and insert in lieu thereof the word "five."

By striking out the word "two" in line 31 of page 3 of engrossed bill and insert in lieu thereof the word "three."

Which motion prevailed, and

The amendments were adopted.

The question being upon the final passage of the bill.

The roll was called and there were ayes 21, nays none, absent and not voting 11.

Those voting in the affirmative were:



**Messrs—**

Cashel,  
Cooper,  
Cox,  
Cronan,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

**Messrs—**

Hegge,  
LaMoure,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

**Messrs—**

McDougal  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

**Messrs—**

Ames,  
Arnold,  
Baker,  
Creel,

**Messrs—**

Hanna,  
Laidlaw,  
Levang,

**Messrs—**

Little,  
Murphy,  
Porter,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

### REPORT OF SELECT COMMITTEE.

The conference committee appointed to confer on the house amendments to House bill No. 25, made the following report:

Mr. President:

Your conference committee on  
House bill No. 25,

A bill for an act in relation to reinsurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents.

Recommend that the senate concur in the house amendments.

O. I. HEGGE,  
W. A. LAIDLAW,  
T. TWICHELL.

Mr. Little moved

That the report be adopted,

Which motion prevailed, and

The report was adopted.

Mr. Cox offered the following resolution:

That as a token of respect, the desk force of the senate be presented with the chairs they have occupied during the session; also, including the chief engrossing and enrolling clerk.

Mr. Cooper moved

That the resolution be adopted,

Which motion prevailed, and

The resolution was adopted.

Mr. LaMoure nominated Mr. L. B. Hanna as president pro. tem. of the senate.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those voting in the affirmative were:

Messrs—

Arnold,  
Baker,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hegge,  
LaMoure,  
Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Ames,  
Cashel,

Messrs—

Hanna,  
Laidlaw,

Messrs—

McGillivray,  
Murphy,

Mr. Murphy being excused.

Mr. L. B. Hanna was declared duly elected president pro. tem.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Also,

Senate bill No. 139.

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

And find the same correctly enrolled.

E. F. PORTER,

Chairman.

The secretary announced that the president was about to sign Senate bill No. 102,

A bill for an act providing that the provisions of the act entitled "an act to amend section 2755 of the Revised Codes of North Dakota relating to dissolution of marriage," shall not apply to any action in which the complaint shall have been filed in the office of the clerk of the district court prior to July 1st, 1899.

Also,

Senate bill No. 103,

A bill for an act to provide necessary assistance in the department of the state examiner.

Also,

Senate bill No. 117,

A bill for an act relating to the protection of game and fish; the appointment of a state game warden; the issuing of permits to hunt; the **disposition of money** received from the sale of permits and enacting other provisions relating thereto and providing penalties for violations thereof.

Also,

Senate bill No. 126,

A bill for an act relating to physical education as a regular branch of instruction in the public schools of the state and educational institutions receiving aid from the state.

Also,

Senate bill No. 156,

A bill for an act to amend sections 607 and 621 of article 15, chapter 8 of the Revised Codes of 1895, relating to elections.

Also,

Senate bill No. 174,

A bill for an act authorizing, empowering and directing the governor and secretary of state to grant and convey unto the university of the state of North Dakota a certain tract of land, and authorizing the trustees of the university to negotiate the exchange of a portion thereof.

Also,

Senate bill No. 180,

Concurrent resolution providing a contingent fund for the First North Dakota volunteers.

Also,

Senate bill No. 10,

A bill for an act to amend sections 1 and 2, of chapter 37 of the laws of 1897, providing a bounty on certain stock-destroying animals.

Also,

House bill No. 148,

A bill for an act to amend section 2669 of the Revised Codes of North Dakota, 1895, relating to township road tax and road work.

Also,

House bill No. 154,

A bill for an act to amend section 2655 of the Revised Codes, 1895, relating to pounds and poundmasters.

Also,

House bill No. 174,

A bill for an act to permit water companies to cross over bridges with their pipes.

The president in the chair.

Mr. McCanna offered

The following resolution:

Resolved, That the chair occupied by the lieutenant governor as president of the senate, and the gavel used by him, be presented to him as a mark of esteem for the able and impartial manner in which he has presided over this body.

Mr. McCanna moved

The adoption of the resolution,

Which motion prevailed.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

Also,

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7684 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

Mr. Hanna presented the following resolution:

Resolved, that this senate appreciate the fairness and correctness shown by Alfred E. Wood of Fargo in reporting the proceedings of this body during this session to the Minneapolis Tribune, and tender this resolution as a mark of its respect and esteem for him.

Mr. Hanna moved

The adoption of the resolution,

Which motion prevailed.

The secretary announced that the president was about to sign Senate bill No. 96,

A concurrent resolution to amend section 176 of the constitution of the state of North Dakota.

Also,

Senate bill No. 139,

A bill for an act to amend section 6615 of the Revised Codes of 1895 providing for the compensation of judges of county courts having increased jurisdiction.

Also,

House bill No. 57,

A bill for an act to amend section 7 of chapter 37 of the laws of 1897 providing for special tax for payment of wolf bounties.

Also,

House bill No. 96,

A bill for an act for the purpose of authorizing the commissioner of university and school lands to lease cultivated land to clear the same of noxious weeds.

Also,

House bill No. 190,

A bill for an act to amend section 1807 of the Revised Codes of 1895, relating to printing.

Also,

House bill No. 205,

A bill for an act amending section 46 of chapter 126 of the law of 1897 relating to revenue and taxation.

Also,

House bill No. 214,

A bill for an act to provide for the appointment of a conservator for drunkards and spendthrifts and defining their powers and duties.

Mr. Arnold in the chair.

The secretary announced that the president was about to sign

Senate bill No. 140,

A bill for an act to prescribe certain powers, duties and compensation of the state fish commissioner of North Dakota, and to appoint deputy fish wardens, and to prescribe their powers, duties and compensation, and to amend section 7682 of the Revised Codes of 1895, relating to seines and nets to be destroyed.

Also,

Senate bill No. 159,

A bill for an act to amend sections 2148 and 2321 of the Revised



Codes of North Dakota relating to the incorporation and government of cities, and especially relating to the issuing of bonds by cities, as said sections have already been amended by the provisions of chapter 102 of the laws of 1897, and also to amend section 2309 of said Revised Codes relating to the manner and form of issuing bonds.

### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

Mr. Cooper moved

That the rules be suspended, and

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Be read the third time and placed upon its final passage,  
Which motion prevailed.

Mr. LaMoure moved

The adoption of the report of the committee,

Roll call demanded.

The roll was called and there were ayes 10, nays 17, absent and not voting 4.

Those voting in the affirmative were:

Messrs—

Cronan,  
Hanna,  
Little,  
McCanna,

Messrs—

McDougal,  
McGillivray,  
Noble,

Messrs—

Porter,  
Sanborn,  
Sharpe,

Those voting in the negative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,

Messrs—

Dunlap,  
Fuller, Stutsman,  
Fuller, Pembina  
Hegge,  
Laidlaw,  
LaMoure,

Messrs—

Levang,  
Luke,  
Marshall,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

Creel,  
Mansfield,

Messrs—

McCarten,

Messrs—

Murphy,

Mr. Murphy being excused.

So the report of the committee was not adopted.

### THIRD READING OF HOUSE BILLS.

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 18, nays 10, absent and not voting 3.

Those voting in the affirmative were:

Messrs—

Ames,  
Arnold,  
Baker,  
Cashel,  
Cooper,  
Cox,

Messrs—

Creel,  
Dunlap,  
Fuller, Pembina  
Hegge,  
Laidlaw,  
LaMoure,

Messrs—

Levang,  
Luke,  
Marshall,  
Sanborn,  
Slotten,  
Twichell.

Those voting in the negative were:

Messrs—

Cronan,  
Fuller, Stutsman,  
Hanna,  
Little,

Messrs—

McCanna,  
McDougal,  
McGillivray,

Messrs—

Noble,  
Porter,  
Sharpe,

Absent and not voting:

Messrs—

McCarten,

Messrs—

Mansfield,

Messrs—

Murphy,

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

The secretary announced that the president was about to sign Senate bill No. 80,

A bill for an act fixing the salary of states attorney and assistant states attorney in the different counties and mode of determining the same.

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 19, nays 7, absent and not voting 5.

Those voting in the affirmative were:

Messrs—	Messrs—	Messrs—
Ames,	Hanna,	McGillivray,
Baker,	Laidlaw,	Noble,
Cooper,	Little,	Sanborn,
Creel,	Luke,	Sharpe,
Dunlap,	Mansfield,	Slotten,
Fuller, Pembina	McDougal,	Twichell.
Fuller, Stutsman,		

Those voting in the negative were:

Messrs—	Messrs—	Messrs—
Cashel,	Hegge,	Levang,
Cox,	LaMoure,	McCanna,
Cronan,		

Absent and not voting:

Messrs—	Messrs—	Messrs—
Arnold,	McCarten,	Porter,
Marshall,	Murphy,	

Mr. Murphy being excused.

So the bill passed and the title was agreed to.

Mr. LaMoure moved

That the secretary be instructed to request the house to return House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Which motion prevailed.

The president in the chair.

Mr. McGillivray moved

That the secretary of state be instructed to send all members of the senate copies of the session laws and the new code,

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,  
March 3, 1899.

Mr. President:

I have the honor to inform the senate that the house refuses to return

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalty for the violation thereof.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

Mr. LaMoure moved

That the secretary be instructed to ask the house why

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereto to the secretary of state and prescribing penalty for the violation thereof.

Had not been returned as requested by the senate, and also ask if they have suspended joint rule No. 14.

Which motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 3, 1899.

Mr. President:

I have the honor to transmit herewith:

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

Also,

Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of state funds collected by or in the hands of county treasurers.

Which have passed the house unchanged.

Very respectfully,

J. G. HAMILTON,

Chief Clerk.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14,

and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Also,

Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The secretary announced that the president was about to sign Senate bill No. 71,

A bill for an act entitled "an act to amend section twenty-six of chapter one hundred twenty-six of the laws of 1897 relating to the assessment of bank stock and the method of determining the value thereof for purposes of assessment.

Also,

Senate bill No. 164,

A bill for an act amending sections 5, 6, 7, 8, 9, 10, 11, 13, 14, and 21 of chapter 112 of the laws of 1897 relating to opening and vacating highways, prescribing the duties of supervisors and county commissioners in relation thereto and regulating appeals from the awards thereof, and for the repeal of sections 1050 to 1075 both inclusive, of the Revised Codes of North Dakota.

Also,

House bill No. 21,

A bill for an act relating to negotiable instruments and providing for their interpretation, utterance, collection and construction.

Also,

House bill No. 24,

A bill for an act to amend section 2464 of the Revised Codes.

Also,

House bill No. 119,

A bill for an act to amend section 308 of the civil codes of the laws of 1895.

Also,

House bill No. 140,

A bill for an act entitled "an act to prevent the adulteration



of, and deception in the manufacture and sale of, flaxseed or linseed oil."

Also,

House bill No. 143.

A bill for an act to amend section 696 of article 6 of chapter 9 entitled education of the Revised Codes of North Dakota, of 1895.

Mr. Cronan moved

That the proceedings in regard to

House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Be expunged from the records.

Roll call demanded.

The roll was called and there were ayes 14, nays 14, absent and not voting 3.

Those who voted in the affirmative were:

Messrs—

Ames,  
Cashel,  
Cox,  
Cronan,  
Creel,

Messrs—

Dunlap,  
Hegge,  
LaMoure,  
Levang,  
Luke,

Messrs—

McCanna,  
McDougal,  
Noble,  
Sanborn,

Those voting in the negative were:

Messrs—

Arnold,  
Baker,  
Cooper,  
Fuller, Pembina  
Fuller, Stutsman,

Messrs—

Hanna,  
Laidlaw,  
Little,  
Mansfield,  
Marshall,

Messrs—

McGillivray,  
Sharpe,  
Slotten,  
Twichell.

Absent and not voting:

Messrs—

McCarten,

Messrs—

Murphy,

Messrs—

Porter,

Mr. Murphy being excused.

So the motion did not prevail.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined:  
Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for

lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The secretary announced that the president was about to sign Senate bill No. 171,

A bill for an act to provide for the execution of tax deeds for lands sold for delinquent taxes under the provisions of chapter 126, of the laws of 1897, and to prescribe the form and to define the effect of all such deeds and the title thereby conveyed.

Also,

House bill No. 133,

A bill for an act to amend section 32 of chapter 126, session laws of 1897 relating to payment of district assessors.

Also,

House bill No. 42,

A bill for an act fixing the liability of railroad companies and corporations owning and operating a railroad for injuries sustained by its employes from the negligent acts of co-employes.

Also,

House bill No. 7,

A bill for an act to amend section 2737 of the Revised Codes.

Also,

House bill No. 162,

A bill for an act to amend section 1168 of the Revised Codes of North Dakota, relating to ferries.

Also,

House bill No. 74,

A bill for an act to amend section sixty of the Revised Codes of 1895, relating to printing of session laws.

Also,

House bill No. 107,

A bill for an act entitled an act to amend section 6847 of chapter 4 of the penal code of the state of North Dakota, relating to the punishment of Sabbath breaking.

Also,

House bill No. 145,

A bill for an act to provide for the compensation of the state oil inspector and his deputies and to define the duties thereof, and prescribing penalties for the violation thereof.

Mr. Porter moved

That the senate take a recess until 7 o'clock p. m.,

Which motion prevailed.

Senate reconvened.

President pro tem McGillivray in the chair.

Mr. Porter moved

That the secretary inform the house that the senate will adjourn at 9 o'clock p. m. sine die,

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of the state funds collected by or in the hands of county treasurers.

Also,

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

And find the same correctly enrolled.

E. F. PORTER,

Chairman.

The secretary announced that the president was about to sign Senate bill No. 147,

A bill for an act to regulate the payment to the state treasurer of the state funds collected by or in the hands of county treasurers.

Also,

Senate bill No. 104,

A bill for an act regulating the holding of caucuses and providing for a penalty for violation thereof.

The secretary announced that the president was about to sign House bill No. 156,

A bill for an act requiring butchers killing branded cattle to keep a certain record pertaining thereto, make report thereof to the secretary of state and prescribing penalties for the violation thereof.

Also,

House bill No. 88,

A bill for an act to amend section 2075 of the Revised Codes

of the state of North Dakota, providing for the salary of register of deeds.

Also,

Substitute for House bill No. 90,

A bill for an act to amend sections 28 and 29 and to repeal section 30 of the Revised Codes of 1895, relative to legislative officers and employees.

Also,

House bill No. 50,

A bill for an act to amend section 5230 of the Revised Codes of North Dakota relating to who may be made parties defendant in actions to quiet title to real property.

Also,

House bill No. 38,

A bill for an act to provide an annual contingency fund, to be placed at the disposal of the governor.

Also,

House bill No. 177.

A bill for an act to amend section 3067 of the Revised Codes of 1895, providing for the constructing and maintaining of a Y and other tracks to connect railroad lines, defining the duties of railroad commissioners in relation thereto and prescribing the manner of enforcing the orders of such commissioners by proper courts.

Also,

House bill No. 132,

A bill for an act amending section 2540 of chapter 31 of the Revised Codes of North Dakota, relating to annual township meetings.

Also,

House bill No. 31,

A bill for an act to promote immigration.

Also,

House bill No. 8.

A bill for an act to repeal chapter 53 of session laws of 1897, and sections 4816, 4817, 4818 and 4819 of the Revised Codes of North Dakota relating to liens for sires.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,

March 3, 1899.

I have the honor to transmit herewith:

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of

grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

Which passed the house unchanged.

Also,

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Which the house has amended as follows and your concurrence therein is requested.

On line 15, page 1, of the engrossed bill, after the word "thereof" insert the words "bordering on a lake."

On page 2, line 2, of the engrossed bill, after the word "township" insert the words "bordering on a lake."

On page 2, line 27, of the engrossed bill, after the word "township" insert the words "bordering on a lake."

Also,

Senate bill No. 161,

A bill for an act to appropriate sufficient funds out of the general fund not otherwise appropriated to be used by the board of university, school and public lands for examining and clearing titles of lands which are now mortgaged to the state of North Dakota.

Which was lost on passage.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk,

The president in the chair.

Mr. McGillivray moved

That the senate concur in the house amendments to

Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

The roll was called and there were ayes 19, nays none, absent and not voting 12.

Those voting in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cox,  
Dunlap,  
Fuller, Pembina  
Hanna,

Messrs—

Hegge,  
LaMoure,  
Levang,  
Luke,  
Mansfield,  
Marshall,

Messrs—

McCarten,  
McDougal,  
Porter,  
Sanborn,  
Sharpe,  
Slotten,



## Absent and not voting:

Messrs—

Arnold,  
Cooper,  
Cronan,  
Creel,

Messrs—

Fuller, Stutsman,  
Laidlaw,  
Little,  
McCanna,

Messrs—

McGillivray,  
Murphy,  
Noble,  
Twitchell.

Mr. Murphy being excused.

So the house amendments were concurred in.

The secretary announced that the president was about to sign

The resolution relating to Hon. M. F. Murphy.

## THIRD READING OF HOUSE BILLS.

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him.

Was read the third time.

Mr. Little offered

The following amendments:

Amend title by adding after the word "him," on line 9, of the engrossed bill the words "except where appropriations shall have been exhausted, also for state officers' salary and clerk hire."

Also, on page 1, of the engrossed bill, strike out all after the word "same," on line 26, and insert in lieu thereof the words "except where the appropriations made to any fund shall have been exhausted, also for state officers' salary and clerk hire."

Mr. Little moved

The adoption of the amendments,

Which motion prevailed, and

The amendments were adopted.

The question being upon the final passage of the bill as amended

The roll was called and there were ayes 22, nays none, absent and not voting 9.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cooper,  
Cox,  
Dunlap,  
Fuller, Pembina  
Hanna,  
Hegge,

Messrs—

Levang,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,  
McCarten,

Messrs—

McDougal,  
McGillivray,  
Noble,  
Porter,  
Sanborn,  
Sharpe,  
Twitchell.

Absent and not voting:

Messrs—

Arnold,  
Cashel,  
Cronan,

Messrs—

Creel,  
Fuller, Stutsman,  
LaMoure,

Messrs—

Laidlaw,  
Murphy,  
Slotten,

Mr. Murphy being excused.

So the bill as amended passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,

March 3, 1899.

Mr. President:

I have the honor to transmit herewith

- Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

Also,

Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Also,

Senate bill No. 151,

A bill for an act to appropriate money for the reappraisement, advertising and expenses attendant upon the sale of institution and common school lands.

Which has passed the house unchanged.

Very respectfully yours,

J. G. HAMILTON,

Chief Clerk.

The following message was received by the senate from Dr. C. McLachlan:

NEW ROCKFORD, N. D., March 3, 1899.

To Senators Cox, Porter and Hanna, et al.:

Congratulations received. Boys all join me in thanks. Hope I'll never forget such friendship. I'm from Missouri, and you have shown me good will.

C. McLACHLAN.

Mr. Cox moved that the secretary of state be instructed to send a copy of the Journal in which this telegram appears to Dr. C. H. McLachlan, at New Rockford, N. D.,

Which motion prevailed.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

Mr. Little moved

That a committee of three be appointed to inform the governor that the senate is about to adjourn sine die and to inquire if he has any further communications to send to the senate,

Which motion prevailed.

The president appointed as such committee Messrs. Little, La-Moure and Marshall.

The secretary announced that the president was about to sign House bill No. 130,

A bill for an act requiring the burial of animals that die from disease.

Also,

Substitute for House bill No. 91,

A bill for an act to amend section 2968 of the Revised Codes of the state of North Dakota, providing for the salary of county judges.

Also,

House bill No. 150,

A bill for an act to amend section 3062 of the Revised Codes of 1895 relating to the building of platforms by railroad companies for the transfer of live stock, grain and other commodities from wagons or otherwise to cars, prescribing the duties of the railroad commissioners in regard thereto and the notice of the necessity of such platforms to be served upon railroad companies together with the manner of making service of notices or orders of said commissioners.

Also,

House bill No. 199,

A bill for an act to amend section 8369 of the Revised Codes of North Dakota.

The committee appointed by the president to wait upon the

governor in regard to further communications from his excellency reported that the governor had no further communications.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined: Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The secretary announced that the president was about to sign Senate bill No. 176,

A bill for an act entitled an act authorizing the board of trustees and warden of the state penitentiary to purchase or otherwise acquire not to exceed thirty (30) acres of land for yard, garden and other purposes and appropriating nine hundred dollars (\$900.00), or so much thereof as may be needed therefor.

Also,

Senate bill No. 120,

A bill for an act providing for the assessment and taxation of grain in elevators, warehouses and grain houses, and providing for penalties for the violation of the provisions of the act.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
March 3, 1899.

Mr. President:

I have the honor to transmit herewith Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

Which the house has amended as follows:

In line 3, section 2, page 2 of printed bill, strike out the words "tax-payers and voters," and insert in lieu thereof the word "freeholders."

Also, after the word "town" in line 3, same page and section, strike out the remainder of the line.

All of line 4 and down to the word "contract" in line 5.

And passed as amended.

Also,

Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

Also,

Senate bill No. 152,

A concurrent resolution relating to school lands.

Which the house has passed unchanged.

J. G. HAMILTON,  
Chief Clerk.

Mr. McCanna moved

That the senate concur in the house amendments to  
Senate bill No. 138.

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

The roll was called and there were ayes 24, nays none, absent and not voting 7.

Those who voted in the affirmative were:

Messrs—

Ames,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina,

Messrs—

Fuller, Stutsman,  
Hanna,  
Hegge,  
Laidlaw,  
LaMoure,  
Levang,  
Little,  
Mansfield,

Messrs—

McCanna,  
McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sharpe,  
Slotten,  
Twichell,

Absent and not voting:

Messrs—

Arnold,  
Baker,  
Luke,

Messrs—

Marshall,  
Murphy,

Messrs—

Porter,  
Sanborn,

Mr. Murphy being excused.

So the house amendments were concurred in.

## REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined  
Senate bill No. 151,

A bill for an act to appropriate money for the reappraisement,



advertising and expenses attendant upon the sale of institution and common school lands.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The secretary announced that the president was about to sign Senate bill No. 151.

A bill for an act to appropriate money for the reappraisement, advertising and expenses attendant upon the sale of institution and common school lands.

Also,

House bill No. 209,

A bill for an act to amend section 7960 of the Revised Codes of North Dakota, relating to examination of witnesses in criminal actions.

Also,

House bill No. 117,

A bill for an act to amend chapters 67 and 68 of the penal code of the revised codes of North Dakota, relating to adulterated dairy products, and selling adulterated and unwholesome food or medicine, and to create a deputy commissioner of agriculture with certain duties in connection therewith, and fixing his salary.

Mr. Creel presented

The following communication:

WASHINGTON, D. C., Feb. 10, 1899.

Hon. H. M. Creel, Bismarck, North Dakota.

My Dear Sir: I am in receipt of your favor of the 6th instant enclosing copy of the memorial of the legislature of your state endorsing the marine shipping bill now pending in the national congress. I thank you for sending me a copy and assure you your active interest in the matter is appreciated.

I hope for favorable action on the bill at this session of congress and the approval expressed by representative bodies all over the country will have much weight in that direction.

Yours truly,  
M. A. HANNA.

Mr. Creel addressed the senate on the resolution, as follows:

I desire to state that I introduced this resolution as I thought for the best interests of the country. The part of the resolution instructing our representatives in congress, including the senators, to vote for the measure, was not intended as any reflection on our senior senator. As Senator Hanna says in his letter, such resolutions tend to create a public sentiment, and that was the sole object. But during the last few months two memorial days have become events in history—one was the raising of the flag in Manila to stay there, and the other was the attack on my resolution by the kindergarten at the other end of this building. The amendment states that the bill had already passed the U. S. Senate; if they had delayed this resolution much longer, it would have passed the house also. But the bill hangs fire in the house at Washing-

ton, and Mr. Cannon chairman of the committee on appropriations objects to the passage of the bill, saying there is no money to meet the requirements. By the amendment I learn with satisfaction that each and every member of the kindergarten knows of his own knowledge some one thing. As to Mr. Hansbrough's support of the measure, I am glad he is in sympathy with his party and that being the case I move the concurrence of the senate in the house amendments.

Mr. Creel moved

That the senate concur in house amendments to  
Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

Was read the third time.

The question being upon the final passage of the bill.

The roll was called and there were ayes 25, nays none, absent and not voting 6.

Those who voted in the affirmative were:

Messrs—

Ames,  
Baker,  
Cashel,  
Cooper,  
Cox,  
Cronan,  
Creel,  
Dunlap,  
Fuller, Pembina

Messrs—

Hanna,  
Hegge,  
Laidlaw,  
Little,  
Luke,  
Mansfield,  
Marshall,  
McCanna,

Messrs—

McCarten,  
McDougal,  
McGillivray,  
Noble,  
Sanborn,  
Sharpe,  
Slotten,  
Twitchell.

Absent and not voting.

Messrs—

Arnold,  
Fuller, Stutsman,

Messrs—

LaMoure,  
Levang,

Messrs—

Murphy,  
Porter,

Mr. Murphy being excused.

So the house amendments were concurred in.

The secretary announced that the president was about to sign  
House bill No. 179,

A bill for an act to repeal chapter twenty-nine (29) of the session laws of 1897, relating to assessment of damages under the law of eminent domain.

Also,

House bill No. 105,

A bill for an act to amend Sec. 2069 of the Revised Codes of the state of North Dakota, providing for clerk hire in the office of county judge.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The secretary announced that the president was about to sign Senate bill No. 150,

A bill for an act to amend section 243 of the Revised Codes of North Dakota relating to the powers and duties of the state board of health.

The secretary announced that the president was about to sign House bill No. 73,

A bill for an act, entitled an act to amend chapter sixty-three of the session laws of 1897 of the state of North Dakota, relating to the boundaries of the Fourth judicial district and fixing the times of holding of terms of court in the different counties thereof.

Also,

House bill No. 180,

A bill for an act to amend section 7665 of the Revised Codes of North Dakota, relating to concealing estrays, lost goods, and altering or defacing brands.

Also,

House bill No. 191,

A bill for an act to provide that the state auditor shall consecutively number all vouchers filed for bills, claims or accounts against any of the funds in the treasury of the state of North Dakota, and to issue consecutively all warrants, orders, or certificates for or upon such vouchers in the same order that such vouchers shall have been received and filed by him, except where appropriations shall have been exhausted, also, for state officers salary and clerk hire.

Also,

House bill No. 2.

A bill for an act to amend section 2767 of the Revised Codes of North Dakota relating to rights and capacity of husband and wife.

Also,

House bill No. 17,

A bill for an act providing for the collection of vital statistics.

Also,

House bill No. 211,

A bill for an act to provide for persons holding lands, the right to water right of way for conducting the same by dams, dykes, ditches, flumes or canals and other purposes.

The committee from the house announced

That the house was about to adjourn.

Mr. McGillivray moved

That a vote of thanks be tendered to the Bismarck band,

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 162.

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The secretary announced that the president was about to sign Senate bill No. 162,

Memorial and concurrent resolution, relating to inspection of grain by the government of the United States.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

And find the same correctly enrolled.

E. F. PORTER,  
Chairman.

The secretary announced that the president was about to sign Senate bill No. 138,

A bill for an act to authorize the purchase of tools and machinery for making roads, in certain cases, and to prescribe the manner of payment therefor, and the use and care of same.

#### REPORTS OF STANDING COMMITTEES.

The committee on enrolled and engrossed bills made the following report:

Mr. President:

Your committee on enrolled and engrossed bills have examined Senate bill No. 165,

A bill for an act to amend sections 2533, 2534 and 2535 of the Revised Codes of the state of North Dakota relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Also,

Senate bill No. 152,

A concurrent resolution relating to school lands.

Also,

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representatives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

And find the same correctly enrolled.

E. F. PORTER,

Chairman.

The secretary announced that the president was about to sign Senate bill No. 165,

A bill for an act to amend sections 2533, 4534 and 2535 of the Revised Codes of the state of North Dakota, relating to the division of organized townships and prescribing the duties of the board of county commissioners in relation thereto.

Also,

Senate bill No. 152,

A concurrent resolution relating to school lands.

Also,

Senate bill No. 73,

A joint memorial of the senate and house of representatives of the state of North Dakota to the senate and house of representa-



tives of the United States, praying for an act to encourage the shipment of grain to China and Japan by granting subsidies to steamship companies.

The secretary being authorized to revise and correct the Journals of the fifty-ninth and sixtieth days, made following report:

Mr. President:

Your committee on revision and correction of the Journal respectfully report that they have carefully examined the Journal of the fifty-ninth and sixtieth days, and recommend the following corrections:

On page 29, line 39, amend title by striking out all in the title after the word "to."

In line 1 add the following: "Regulate the manufacture and sale of dairy products and imitations and substitutes therefor; prescribing penalties for violations, to create a deputy commissioner of agriculture, prescribing his duties and fixing his salary."

Mr. Marshall moved

The adoption of the amendment,

Which motion prevailed.

Page 38 strike out ninth line from the top of page "was read the third time."

Tenth line strike out the words "final passage of the bill" and insert "concurrence in the house amendments."

Twenty-ninth line strike out the words "bill passed and the title was agreed to," and insert "the house amendments were concurred in."

Strike out "37th and 38th lines" and first two words in "line 39."

J. O. SMITH,  
Secretary.

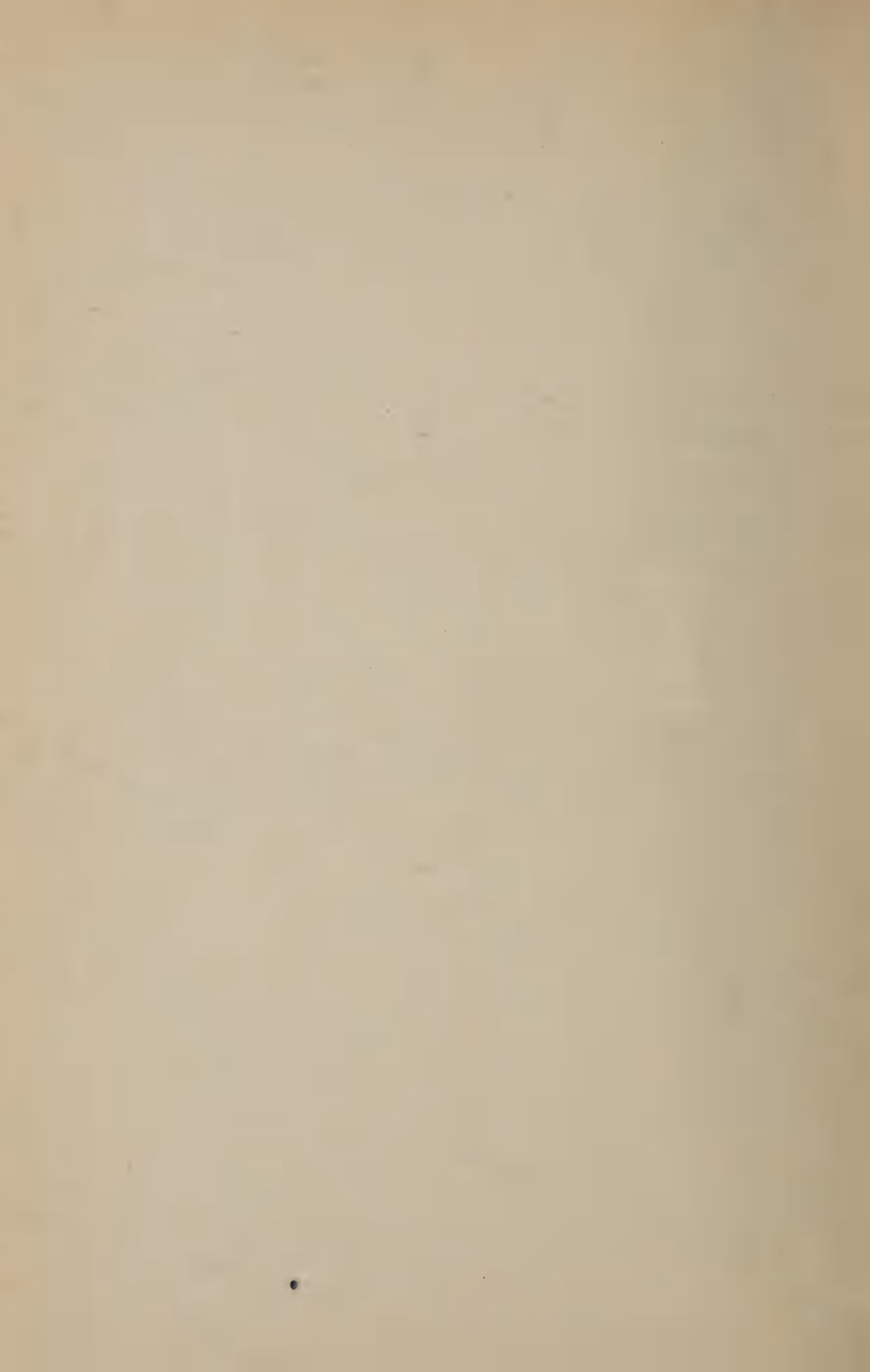
Mr. McGillivray moved

That the senate do now adjourn sine die,

Which motion prevailed, and

The senate adjourned.

J. O. SMITH,  
Secretary.



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								Passed	Lost	Amendments	Concurrence	President Signed			
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143	144	170													
143	143	163													
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156	156	233	234	262	263	....	....	650	....	650	653	662	....	....	456
158	158	182	182	221	221	....	....	374	....	....	....	389	....	....	....
158	158														
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171	171	214	....	237	237										
177	200	350	....	....	....	350	....	374	....	374	372	390	....	407	456
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184	200	243	243	294	294	....	....	603	....	603	604	638			
196	197	....	294	281	281	....	....	603	....	....	....	639			
196	198	268	268	370	371	....	....	612	....	612	612	638			
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196	198	351	....	....	....	406	....								
197	198														
197	198	483	484	520	521										
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200	200	244	....	....	....	....	....	359	....	....	....	388	....	407	458
206	206	268	268	344	344	....	....	672	....	....	....	676			
206	206	228	228	263	263	....	....	613	....	....	....	638			
206	206	273	....	296	296	....	....	591	....	591	595	638			
206	206	288	....	295	296	....	....	613	....	....	....	638			
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218	218	357	357	403	403	....	....	460	....	....	....	423	....	436	458
218	218	244	283	284	284	....	....	393	....	393	393	423	....	436	458
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169	Creel.....	Enumeration of deaf children of school age....	461
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342	342	363	....	405	405	....	....	613	....	....	....	639			
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342	342	382	....	427	428	....	....	598	....	....	....	639			
342	342	416	....	467	468	....	....	674	....	....	....	680			
342	342	449	....	504	505	....	....	674	....	....	....	678			
342	342	450	500	500	500	....	....	677	....	....	....	682			
347	347	381	....	428	428	....	....	616	....	....	....	637			
347	347	413	....	427	427	....	....	....	490	....	....	....			
347	347	514	....	....	....	514									
348	348	416	....	467	467	....	....	618	....	618	619	660			
366	366	415	....	585	586	....	....								
366	366	446	....	502	502	....	....								
366	366	414	429	429	429	....	....	619	....	....	....	662			
395	395	536	....	....	....	536									
395	395	449	....	503	503	....	....	....	672	....	....	....			
395	395	417	....	464	464	....	....	677	....	....	....	681			
395	395	418	429	429	....	430									
396	396	451	451	465	465	....	....	649	....	....	....	667			
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487	487	518	....	525	525	....	....	586	....	....	....	660			
543	543	551	....	561	561	....	....	632	....	....	....				
550	550	615	....	615	615	....	....								

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2	Rights and capacity husband and wife	488	491	491	513	...	646	647	...	...
6	Building and loan associations	128	152	152	154	...	178	178	...	...
7	Amending sec. 2737 Revised Codes '95...	569	570	570	...	...	623	628	623	627
8	Liens for sires	392	409	409	479	479	603	603	...	...
12	Usury	185	201	202	536	...	...	...	536	...
17	Collection of vital statistics	594	600	600	...	...	656	656	...	...
18	Officers of penitentiary	172	178	178	243	...	303	303	...	367
20	Election for purchase asylum for poor.	126	152	152	273	...	549	550	...	...
	Interpretation of negotiable instru-									
	ments	358	375	375	516	...	599	600	...	...
21	Amend sec. 2464 Revised Codes	391	409	409	581	...	631	631	...	...
24	Insurance	391	409	409	513	513	549	549	...	...
25						658			...	...
	School district corporations	257	257	257	271	...	300	300	...	342
26	Trespassing animals	81	95	95	113	...	133	134	...	...
27	Meetings of township supervisors	110	133	152	226	...	302	303	...	367
28	Treasurer's bond	185	201	202	227	350	493	494	...	552
29						350			...	...
	Immigration	455	469	469	512	512	604	604	...	...
31	Blind asylum	191	207	208	242	242	528	528	...	552
35	Corporations	158	166	176	266	266	376	377	...	552
36	Fund at disposal of governor	455	469	469	512	535	605	605	...	...
38	Defining public warehouses	110	133	153	211	222	221	222	...	374
40						246	299	300	...	...
	Liability of railroad companies	554	562	562	597	597	641	642	...	655
42							655	655	...	...
44	Education	391	410	410	448	...	642	643	648	...
							648		...	...
45	Substitute for education	489	493	493	536	...	592	592	...	...
46	Drains	93	108	121	140	...	152	152	...	...
49	Balances to be kept by co. treasurers	128	152	152	379	610	554	555	...	611
50	Parties defendant	185	201	202	419	419	607	607	...	...
51	Assessment of property	172	179	179	215	215	298	299	...	387
53	Removal of county seats	185	201	202	293	...	597	598	...	...
55	Maintaining railway stations	566	567	567	579	...	...	...	579	...
57	Special tax for payments of wolf boun-									
	ties	574	575	575	...	...	630	631	...	...
59	Substitute, education	458	469	469	517	...	554	554	...	...
65	Foreclosure of mortgages by advertise-									
	ment	391	410	410	516	...	...	...	516	...
66	Mortgaging real estate of deceased									
	person	186	201	202	267	267	302	302	...	388
67	Reports of township treasurers	128	152	152	447	...	...	...	447	...
69	Building and loan associations	172	179	179	216	216	240	241	...	342
70	Publication of election returns	228	239	239	287	287	545	545	...	...
71	Construction of dams	172	179	179	380	380	433	433	...	490
72	Deficiency in board of school land									
	funds	489	491	491	535	...	...	...	535	...
73	Boundaries and holding court in fourth									
	judicial district	391	410	410	481	...	645	645	...	...
74	Printing session laws	159	166	176	226	...	635	636	...	...
75	Accounts for printing and binding	191	207	208	269	269	301	301	...	367
77	Marriages	191	207	208	514	...	...	...	...	...
79	Attorneys member of legislature	127	152	152	182	...	188	188	...	...
80	Tramps on trains	186	202	202	287	...	432	433	...	...
81	Collection of taxes on real property	392	410	410	...	...	...	...	...	...
86	Revocation of attorney's license	190	...	...	...	...	...	...	...	...
87	Building and loan associations	159	166	177	266	...	606	606	...	...
88	Salary of register of deeds	391	410	410	515	515	576	575	...	...
90	Substitute, assistant legislative em-									
	ployees	566	567	567	...	632	632	633	...	650
						657	658	658	...	656
									...	657
91	Salary of county judge	258	298	29	514	514	625	625	...	...
92	Sewerage for cities	359	375	375	380	474	474	476	...	...

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Number	RELATING TO	Received	First Reading	Second Reading and Reference	Reported	Amendments	Third Reading	Passed	Lost	Subsequent Action
94	Highways and bridges.....	238	239	239	287	...	602	602	...	
95	Residents entitled to education free.....	570	570	570	...	...	...	...	...	
96	Noxious weeds and school lands.....	392	410	410	450	...	627	627	...	
97	State fair location.....	489	491	491	511	...	...	...	553	
98	{ Substitute, salary of clerk of district courts.....	574	574	574	...	...	599	599	...	...
89										
101	Reward for criminals.....	219	239	239	381	...	556	556	...	
102	Supplies for capitol.....	191	207	208	271	271	303	304	...	387
104	Substitute, salary of county auditor.....	423	375	375	480	480	546	546	...	
105	Clerk hire in office county judge.....	258	...	...	447	447	645	646	...	
106	Substitute, salary of county treasurers	358	375	375	480	480	531	532	...	
107	Punishment for Sabbath breaking.....	258	258	258	350	...	663	664	...	
109	Election precincts.....	258	...	...	...	...	...	...	...	
111	Amendment to constitution.....	238	240	240	288	...	548	548	...	
112	Amendment to constitution.....	291	297	297	415	307	530	530	530	
114	Veterinary surgery.....	172	179	179	307	307	434	434	...	
117	Adulterated dairy products.....	391	410	410	449	450	605	606	...	605
118	Storage of grain.....	489	492	492	537	...	643	643	643	
119	Amend sec. 308 Revised Codes 1895.....	565	566	566	...	...	594	594	...	
127	Cutting of weeds on highways.....	423	375	375	413	...	609	610	...	
129	Twine plant at penitentiary.....	238	240	240	273	...	300	301	...	369
130	Burial of animals.....	423	375	375	416	...	641	641	...	
132	Annual township meetings.....	238	...	...	414	...	590	590	...	
133	Payment of district assssors.....	552	562	562	...	...	634	634	...	
134	Sheep inspectors.....	392	411	411	417	...	530	530	...	
135	Public lands.....	423	375	375	450	...	529	529	...	
136	Covering wells, etc.....	423	376	376	450	...	602	602	...	
140	Adulteration of linseed oil.....	358	376	376	418	...	630	630	...	
143	Education.....	392	411	411	448	...	629	630	...	
145	Compensation of state oil inspector.....	571	571	571	...	633	633	634	...	
146	Substitute, liens for threshing.....	490	491	451	513	513	611	612	...	
148	Township road tax and road work.....	391	409	409	413	...	625	626	...	
150	Building of platforms by railroad companies.....	489	491	491	579	644	644	644	...	
154	Pounds and poundmasters.....	358	376	376	414	...	617	617	...	
156	Butchers to keep record of brands.....	578	...	...	...	...	665	665	...	665
159	Mechanics' liens.....	572	580	580	...	...	610	610	...	
162	Ferries.....	392	409	409	413	...	635	635	...	
167	Adoption of children.....	458	469	469	...	...	546	546	...	
169	Making mortgage forms uniform.....	573	574	574	...	...	...	...	...	
170	Investment of public land funds.....	488	492	492	...	...	...	...	...	
171	Additional buildings for hospital for insane.....	359	376	376	...	...	431	432	...	
172	Destruction of grasshoppers.....	489	492	492	...	556	556	557	...	
174	Water companies crossing bridges.....	488	492	492	514	...	555	556	...	
175	Disputes of county boundaries.....	489	493	493	...	...	617	618	...	
176	Payment of expenses of litigation by commissioners of railroads.....	488	492	492	510	...	548	548	...	
177	Construction and maintaining "Y's".....	488	491	491	579	579	623	624	...	
179	Repealing 29, laws of 1897.....	489	492	492	...	647	647	648	...	
180	Concealing stray or stolen goods.....	553	561	561	580	...	647	647	...	
181	Substitution of papers lost by fire.....	391	409	409	446	...	601	601	...	
182	Deputies.....	392	409	409	538	...	...	...	538	
183	Militia.....	455	470	470	481	...	608	609	...	
186	Organization of school districts.....	488	493	493	...	...	...	...	...	
189	Waterworks and fire apparatus.....	570	570	570	...	...	607	608	...	
190	Printing.....	566	567	567	580	...	626	627	...	
191	State auditor to number all vouchers consecutively.....	572	572	572	...	673	673	674	...	
194	To amend sec. 2894 Revised Codes.....	455	469	469	516	...	608	608	...	
195	Soldiers' home.....	426	...	...	449	...	531	531	...	
196	Education.....	553	561	561	581	...	...	...	581	
199	Amending sec. 8369 of Revised Codes.....	490	492	492	514	...	643	644	...	
205	Revenue and taxation.....	565	567	567	...	...	628	629	...	
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209	Examination of witnesses in criminal actions.....	565	567	567	...	...	646	646	...	...
211	Irrigation.....	565	567	567	...	...	654	655	...	...
214	Conservator for drunkards and spend-thrifts.....	568	569	569	...	...	629	629	...	...
217	Befouling of wells.....	565	567	567	...	...	634	...	635	...

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